

FLATHEAD COUNTY PLANNING AND ZONING OFFICE
SUBDIVISION REPORT # FPP-15-02
HALFMOON MEADOWS
APRIL 27, 2015

A report to the Flathead County Planning Board and Board of Commissioners regarding a request for preliminary plat approval of Halfmoon Meadows, a major subdivision that would create 47 single family residential lots planned to be developed in two separate phases. Located west of Columbia Falls, the subject property is situated on the east side of Halfmoon Road approximately ½ mile north of the Highway 2/Highway 40 intersection.

The Planning Board will hold a public hearing in the Earl Bennett Building conference room at 1035 First Avenue West, Kalispell on May 13, 2015 to review the proposal and make a recommendation to the Flathead County Commission. Final action on this proposal by the governing body must be taken prior to the review deadline of June 16, 2015. Documents pertaining to this application are available for public inspection at the Flathead County Planning and Zoning Office, located in the Earl Bennett Building at 1035 First Avenue West, Kalispell, Montana.

I. APPLICATION REVIEW UPDATES

A. Land Use Advisory Committee/Council

The proposal is not located within the advisory area of a Land Use Advisory Council.

B. Planning Board

The Flathead County Planning Board will hold a public hearing on the proposed subdivision on May 13, 2015 and make a recommendation to the Flathead County Board of Commissioners. This space is reserved for a summary of the Planning Board's discussion and recommendation.

C. Commission

The Flathead County Board of Commissioners will review this proposal after the public hearing conducted by the Planning Board and prior to June 16, 2015 which is the end of the 60 working day statutory review period. This space will contain an update regarding the Flathead County Commission review of the proposal.

II. GENERAL INFORMATION

A. Project Personnel

i. Developer

Prairie Dog Development, LLC
719 3rd St West
Whitefish, MT 59937

ii. Owner

Chris Hagen
600 Harbor Blvd.
Burbank, WA 99323

iii. Technical Assistance

A2Z Engineering
138 E. Center Street
Kalispell, MT 59901

Land Solutions
36708 Leon Road
Charlo, MT 59824

Cordi Surveying
PO Box 323
Whitefish, MT 59937

B. Project Description

The request is for preliminary plat approval of Halfmoon Meadows Subdivision, a 47 lot subdivision with lots ranging in size from 1.005 to 1.801 acres. All lots would be served by a new public water system and individual wastewater treatment systems. The proposal includes two internal subdivision roads, Sawtooth Trail and Sawtooth Court, and primary access via Halfmoon Road. The subdivision is proposed to be developed in two phases. The following are unique elements associated with the proposal:

Wetland and Riparian Vegetation

The application includes a Riparian Management Plan as the property abuts Trumbull Creek and the associated wetland.

Floodplain

Areas on the north and east of the subject property are encompassed by 100 year floodplain designations. The property is currently designated as 'Zone A' floodplain which does not provide elevation of the 1% chance flood water surface; however, the Risk MAP program is in the process of refining the 'Zone A' designations based on improved topographic data and the revisions are anticipated to be adopted by the Flathead County Commissioners by the end of 2015.

Traffic

Due to the number of proposed lots and associated traffic, the application includes a Traffic Impact Study and addendum addressing vehicular accidents in the vicinity.

Phasing

The subdivision is planned to be developed in two phases and the application includes a proposed phasing plan. Phase 1 would include development of Lots 1-19 and associated utilities, construction of Sawtooth Trail to the edge of Lots 12 and 13, and pavement of the bus turnaround and shelter. Phase 2 would include construction of Sawtooth Court and the rest of Sawtooth Trail as well as utilities and stormwater detention facilities for the remainder of the 47 lots.

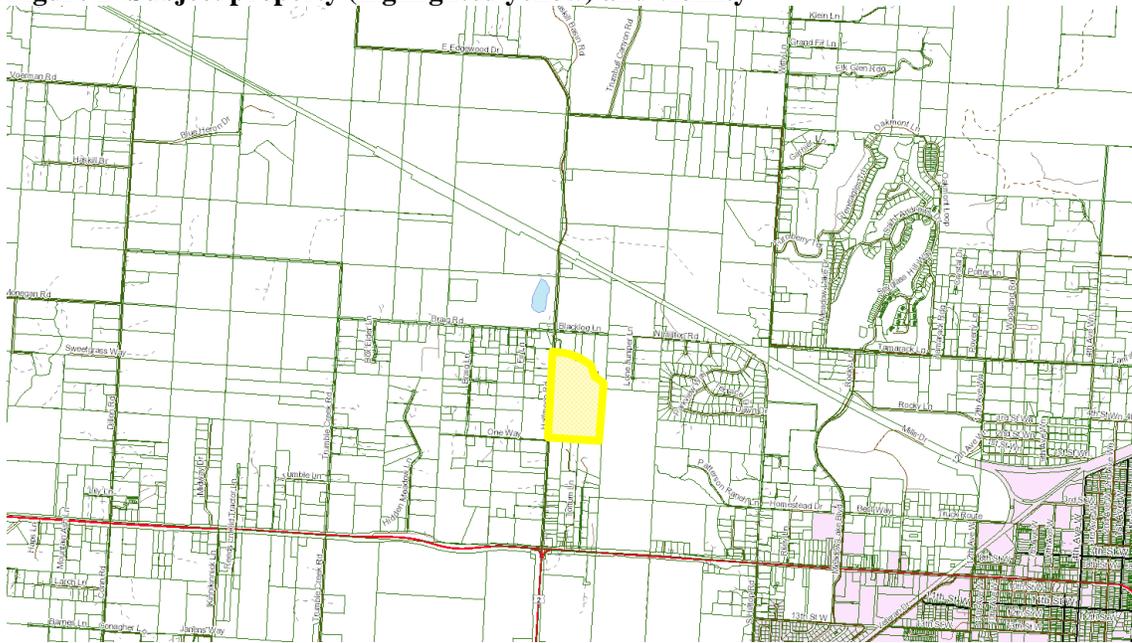
C. Legal Description of Subject Property

The proposed subdivision would occur upon one tract of record that can be legally described as Tract 1 of Certificate of Survey #17842, aka as Assessor's Tract 2, located in Section 12 Township 30 North, Range 21 West, P.M.M., Flathead County, Montana.

D. Detailed Location

Located approximately 1 mile west of Columbia Falls, the subject property is situated roughly ½ mile north of the Highway 2/Highway 40 intersection (Figure 1).

Figure 1- Subject property (highlighted yellow) and vicinity



E. Subdivision Layout Detail

- i. Total Subdivision Acreage:** 58.576 acres
- ii. Acreage in Lots:** 52.85 acres
- iii. Acreage in Roads:** 5.273 acres
- iv. Total Park/Common Area/Open Space Acreage** .454 net acres
- v. Minimum Lot Size** 1.005 acres
- vi. Maximum Lot Size** 1.801 acres
- vii. Overall Gross Lot Density:** 1 dwelling unit per 1.25 acres
- viii. Easements**

The preliminary plat indicates:

- Proposed 60-foot wide private road and utility easements of the proposed internal subdivision roads;
- Proposed 10-foot wide pedestrian easement along Lot 35;
- Proposed 15-foot bicycle and pedestrian easement along Halfmoon Road.
- Existing 60-foot wide easement for Halfmoon Road, paved county collector road.

ix. Common Areas

The preliminary plat indicates a small common area .454 acres in size that will hold the two wells and well house that will make up the public water system. The applicant has indicated that cash-in-lieu of parkland will be provided to meet county requirements described in Section 4.7.24 FCSR.

F. Administrative Characteristics

i. Current Land Use

The subject property is comprised of an open vacant field which has historically been used for hay production (Figure 2).

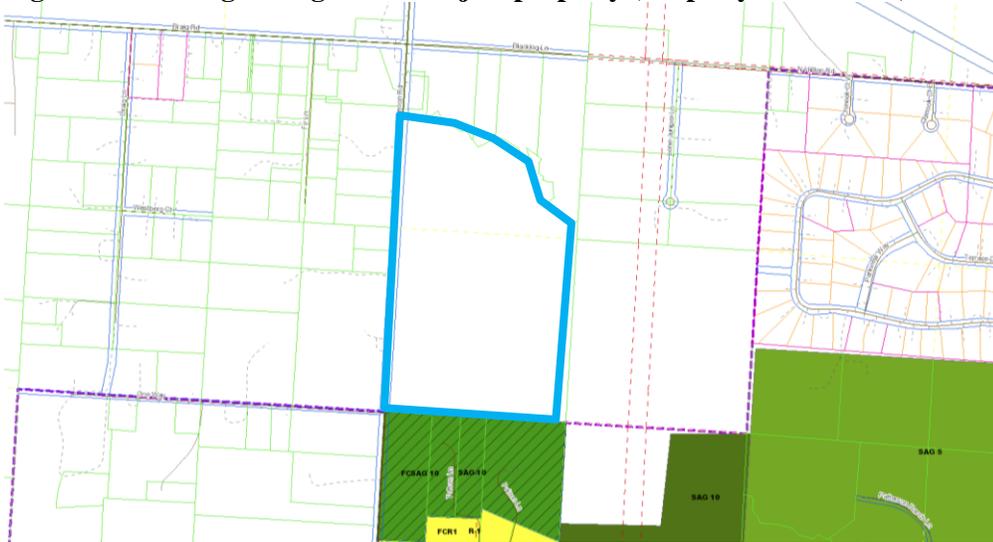
Figure 2 - Current land use and land cover (subject property shown blue)



ii. Current Zoning

Located just west of the Columbia Falls interlocal agreement boundary limits, the subject property is currently not zoned (see Figure 3 below).

Figure 3 - Existing zoning on the subject property (Property shown blue)



iii. Proposed Land Use

The request is for preliminary plat approval of Halfmoon Meadows Subdivision, a 47-lot single-family residential subdivision planned to be developed in two separate phases on the 58.56 acre subject property. All lots would be served by a proposed public water system and individual wastewater treatment systems.

G. Area Characteristics

i. Description of Area Surrounding Proposed Subdivision

Located 1/2 mile north of US Highway 2, the character of the area surrounding the proposed subdivision is predominantly agricultural and rural residential with limited industrial to the north and commercial land uses situated in general proximity to the highway.

ii. Zoning

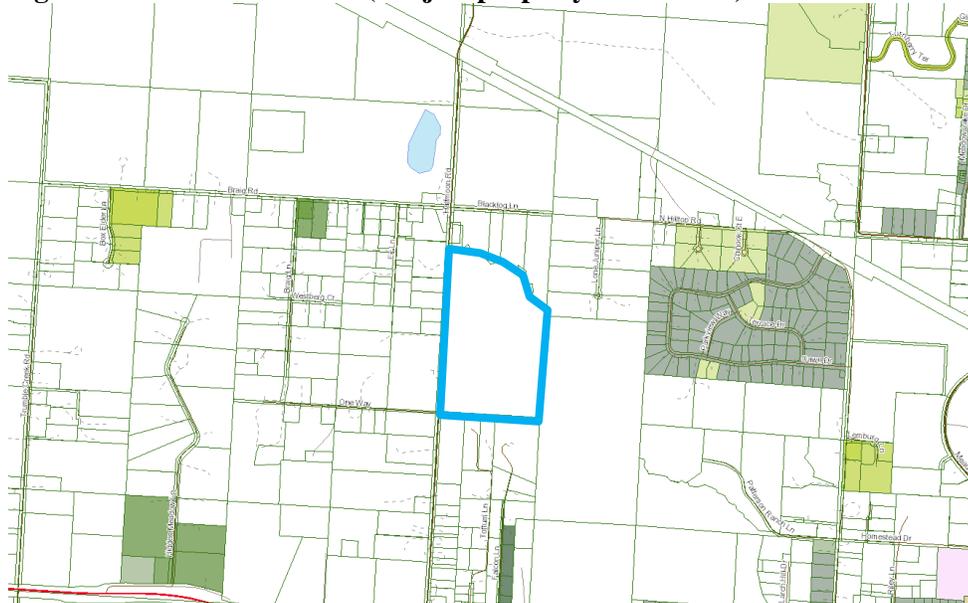
As shown in Figure 3 the subject property is located within an un-zoned area; however, areas to the south of the lot are zoned by Columbia Falls as “FCSAG 10”.

iii. Land Uses

As shown in Figure 2, the subject property is situated in an area developed with a mix of agricultural and residential uses. Limited instances of industrial and commercial uses occur in the area. Of note is the Stoltze Land and Lumber Company located less than ¼ mile to the north of the proposed subdivision.

iv. Previously Considered Subdivisions in Area

Figure 4 - Area subdivisions (Subject property shown blue)



As shown in Figure 4 above, a few subdivisions are located within the vicinity of the proposal, however a number of the smaller lots were created by deed or exemptions by certificate of survey (COS).

H. Utilities and Services

i. Water

Proposed public water system

ii. Wastewater

Individual wastewater treatment systems

iii. Electricity

Flathead Electric Cooperative

- iv. Natural Gas**
Northwestern Energy
- v. Solid Waste**
Contract Haul- Evergreen Disposal
- vi. Telephone Service**
Century Tel
- vii. School District(s)**
Columbia Falls School District #6, Columbia Falls High School
- viii. Fire District(s)**
Columbia Falls Rural Fire District
- ix. Police**
Flathead County Sheriff's Department

III. COMMENTS RECEIVED

A. Agency Comments

The subdivision file contains a copy of the agency referral document sent on March 25, 2015. As of the date of completion of this staff report, the following comments have been received:

- Wendee Jacobs, Flathead City-County Health Department
 - Comment indicates that the property is undergoing groundwater monitoring and that water, wastewater, and stormwater plan would need to be reviewed in accordance with Title 76.4.2 M.C.A.
- Marc Pitman, Montana DNRC
 - Comment notes that there are two existing water rights on the parcel and requests that the developer specify the use and if the place or point of diversion will be changed. DNRC will need to review the project to make a determination of what water rights, if any, are to be obtained.
 - Notes that the area is part of the Zone A refinement and will be modified on this parcel when the maps become effective later this year.
- Dave Prunty, Public Works/Flathead County Road Department
 - The County Road Department does not any comments on the request at this time.
- Nathan Holm, Flathead County GIS Department
 - Comment indicates the proposed road names "Sawtooth Trail" and "Sawtooth Court" have been approved by the Flathead County GIS Department.
- Peggy Beekman-Weyant, Bonneville Power Administration
 - Indicated the proposal will not impact any BPA transmission line corridors, and BPA has no objections to the approval of the request.
- Kenneth Breidinger and Tim Their, Montana Fish, Wildlife and Parks
 - Indicated that a minimum 150 foot vegetated buffer should be left in place and at least 50 foot setback from the buffer should be required. There is also potential for attraction of bears.
- Steven Robinson, Flathead County Weed, Parks and Recreation
 - The Weed Inspection Report is enclosed for the applicant with suggestions for

weed control and a Soil Disturbance and Weed Management Plan is required to be returned to the department. Vehicles on site should be inspected for weed “hitchhiking”.

- Eric Mulcahy, City of Columbia Falls
 - As the subdivision is outside of the City’s planning jurisdiction and not zoned, the City doesn’t have any comments.

B. Public Comments

In accordance with Section 4.0.14 Flathead County Subdivision Regulations (FCSR), adjacent property notification was mailed to neighboring property owners within 150 feet of the proposed subdivision on April 22, 2015, legal notice was published in the Daily Interlake on April 26, 2015, and notice of the proposal and public hearing was physically posted onsite on April 24, 2015.

As of the date of the completion of this staff report, one public comment has been received from the general public regarding the proposal.

- Jim Baiar- Mr. Baiar expressed concerned about the loss of agricultural land and the degradation of wildlife habitat around Trumbull Creek. He also noted concern about the number of septic systems located in proximity to the creek.

Any written public comment received after April 28th will be summarized verbally and entered into the public record during the Planning Board hearing on May 13, 2015. Anyone wishing to provide verbal public comment may do so in person at the May 13, 2015 Planning Board hearing.

IV. LOCAL GOVERNMENT REVIEW

A. Review Criteria

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

i. Impact on Agriculture

The subject property has historically been used for hay production with an average rate of 1.5 tons per acre. The Environmental Assessment notes that while the soils are suitable for agricultural production the property has not been irrigated in the past 10 years. The USDA Natural Agricultural Statistics Survey shows that 38,713 tons of hay was harvested in Flathead County in 2012. According to this statistic it would appear that the subject property makes up less than 1 percent of the county’s hay harvest. Additionally, Patricia McGlynn of the Flathead County MSU Extension service was contacted on April 28, 2015 and noted that property not irrigated or fertilized would have minimal impact on the commercial hay market.

According to the Environmental Assessment, aerial imagery indicates that “no historical or current agricultural uses occur adjacent to the proposed subdivision” dating back to the 1960s. The Stoltze Land and Lumber Company is located approximately 1/10th of a mile to the north of the subdivision but has limited silvicultural use and is primarily a timber processing plant. The development’s impact on agriculture would be minimal and limited

to the subject property because adjacent properties are not dependent upon the subject property for continued agricultural use.

Finding #1 - Impact on agriculture would be minimal and limited to the subject property because discontinuation of hay production on site would have minimal impact on hay production rates and adjacent properties are not dependent upon the subject property for agricultural use.

ii. Impact on Agricultural Water User Facilities

As indicated in the submitted Environmental Assessment, the subject property is not developed with irrigation infrastructure, is not in an irrigation district or party to any irrigation agreements, and serves no irrigation water to adjacent or neighboring properties. Two water rights for surface water from Trumbull Creek exist for irrigation purposes, however the Environmental Assessment indicates “the property has not been irrigated during the last 10 years.”

Finding #2- There would be no impact to agricultural water user facilities because the subject property is not currently irrigated for agricultural purposes, has no irrigation infrastructure on site, is not in an irrigation district, and is not party to any apparent existing irrigation agreements.

iii. Impact on Local Services

1. Water and Wastewater

The proposal indicates that a new public water system will be developed to serve the 47 lots. The system will include two wells and well house located on the .454 acre common area with a water main line for connection to the lots. The developer has indicated that the wells, well house and main to connect the first 19 lots will be completed prior to final plat approval of Phase 1. The remainder of the system will be completed prior to final plat approval of Phase 2.

Information provided with the application indicates that a public water system well located on the Stoltz Land & Lumber Company property has a 150 gallons per minute flow rate at a depth of 378 feet. Additionally, water quality testing was done on two neighboring residential wells which demonstrate a relatively low nitrate and conductivity value. Based on the analysis conducted by A2Z Engineering, it would appear that adequate water quality and quantity exists within the area.

Comment provided by Marc Pitman of the MT DNRC indicates the developer would need to obtain the necessary water rights for the project if Phase 1 and 2 are going to be considered as one project. Prairie Dog Development has indicated that they intend to have the water system reviewed by the MDEQ as two separate systems. If reviewed as two separate phases with water infrastructure developed to accommodate two distinct phases, it could be possible for a water right permit to be avoided if 10 acre feet of water or less is used from a well or system of wells pumping no more than 35 GPM for phase 1 with a permit required for DEQ approval for phase 2. Prior to final plat approval for each phase, the applicant will be required to have the public water supply reviewed and approved by the Montana Department of Environmental Quality. Additionally, the developer is required to request a review by DNRC per ARM 17.36.103(s) to determine if a water right must first be obtained or have a plan

approved by DNRC indicating that usage does not require a beneficial water use permit.

As indicated in the submitted application, the plan for wastewater treatment is to use individual septic systems to serve the needs of each lot within the subdivision. As with all subdivisions, both water and sewer services for the proposed subdivision would be required to be reviewed and approved as applicable by the Flathead County Environmental Health Department and the Montana Department of Environmental Quality.

Finding #3 - The proposal for water supply and wastewater management for the 47 lots within the subdivision is appropriate as adequate water quantity and quality appears to exist for the proposed public water system served by two wells, the water system would be required to be reviewed by the Department of Natural Resource Conservation for applicable water rights if needed, and the water and wastewater systems would be required to be reviewed and permitted by the Montana Department of Environmental Quality as applicable prior to their installation and operation.

2. Schools

The proposal is located in the Columbia Falls School District #6 and correspondence with the school Superintendent, Steve Bradshaw, submitted by the applicant indicates that the school district will be able to handle the additional students. Bussing will also be provided as indicated by Transportation Supervisor Wade Fish who has reviewed and approved the bus stop pull out proposed to be located along Halfmoon Road. The subdivision appears to be within a 3 mile radius of K-12 school facilities. The Environmental Assessment indicates that with an average household size of 2.45 persons, the development would add an additional 21 school-aged children once the 47 lot residential subdivision is at fully developed.

3. Mail Delivery

The developer is proposing a centralized mailbox located within a designated pull out on Sawtooth Trail adjacent to Lot 19. The location of the centralized mail facility serving the proposed subdivision shall require review and written approval from the local postmaster as a condition of final plat approval.

4. Recreation

The proposal is located near the City of Columbia Falls and is therefore in close proximity to the established recreational facilities within city limits. The proposal is also located with 3 miles of the Vettville and Hilltop Terrace county parks. As indicated in the application and on the Preliminary Plat, the proposal to satisfy applicable subdivision 'parkland' requirements is to provide cash-in-lieu. According to the parkland dedication requirement formula listed in Section 4.7.24 (e), the developer will be required to provide cash-in-lieu equal to fair-market value of 2.92 acres. An appraisal from a Certified General Appraiser (CGA) dated no more than 6 months prior to the final plat submittal will be required to establish the parkland dedication value. According to the Flathead County Trails Plan and Section 4.7.19 FCSR, a 15 feet wide easement for a pedestrian/bicycle path will be required along the length of the subject property.

Finding #4- Impacts on local services would be acceptable with the imposition of standard conditions because the proposed subdivision would be located within the Columbia Falls School District #6 which has indicated ability to accommodate students, a centralized mailbox is proposed and shall be approved by the postmaster, and sufficient existing and proposed recreational facilities will be provided as cash-in-lieu will satisfy parkland requirement.

5. Roads

As shown on the preliminary plat and indicated in the submitted Traffic Impact Study, primary access to the subdivision would be from Halfmoon Road, a paved county collector road. Direct access to the lots would be from two internal subdivision roads. Sawtooth Trail would loop between Halfmoon Road and would serve as direct access to Lots 1-31 and 44-47 while Sawtooth Court would provide access to Lots 32-43. The proposed private internal subdivision roads would be designed and constructed to comply with currently applicable Flathead County Road and Bridge Department width and paving standards. The phasing plan indicates that Phase 1 would include construction of Sawtooth Trail to Lots 12 and 13 with a temporary cul-de-sac. Phase 2 would result in construction of Sawtooth Court and the completion of Sawtooth Trail.

As the proposed subdivision would contribute 400 or more average vehicle trips per day, a Traffic Impact Study was required. The TIS prepared by Robert Smith of A2Z Engineering indicated that the proposed subdivision road system would not adversely impact the road network. According to the study, the subdivision would produce 43 AM peak hour vehicle trips, 53 PM peak hour vehicle trips and a total 512 weekday daily vehicle trips. Due to the high Level of Service (LOS) and quality of the road condition in the area, no improvements were recommended as result of the development.

The application also includes draft Declaration of Covenants, Conditions, and Restrictions (CC&Rs) that describe road maintenance provisions. The roads would be maintained in passable condition year round and each lot would be responsible for a pro-rata share of road maintenance costs.

Finding #5- The road system appears to be acceptable with the imposition of standard conditions as primary access would be from Halfmoon Road, each lot has legal and physical access provided by internal subdivision roads that will be built to Flathead County Road and Bridge Department standards, and no improvements were determined to be required with the development according to the TIS prepared by a professional engineer.

6. Fire/Emergency Medical Services

The site is currently located within the Columbia Falls Rural Fire District and a fire station with a re-filling station is located approximately 1 mile from the subdivision along Highway 2. The applicant has indicated in the Environmental Assessment that a dry well is located ¼ mile to the north on the Stoltze Land and Lumber Company property and notes “the Columbia Falls Fire Chief has indicated adequate resources are available to serve the subdivision.” The applicant has indicated that “in lieu of providing on-site water, the developer will contribute cash in an amount equal to the

cost of an on-site storage tank.” However, only those improvements required by the Columbia Falls Rural Fire District shall be required by the county to be developed as a condition of final plat approval. Any additional improvements with regards to firefighting infrastructure will be at the discretion of the developer.

The North Valley Hospital is located approximately 5 driving miles away while the Kalispell Regional Medical Center is located about 15 driving miles away. Based on the location of the subdivision outside the city limits of Columbia Falls, response times should be consistent with those of the nearby city.

7. Police Services

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

8. Solid Waste Disposal

The developer is proposing contract haul as a mechanism for solid waste disposal as requested of all subdivisions by the Flathead County Solid Waste Department. The Environmental Assessment includes correspondence from the developer and Cindy Owens of Evergreen Disposal on February 18, 2015 indicating that the company will be able to accommodate the new subdivision.

9. Other Utilities

As indicated in the application, Flathead Electric will provide electrical power, CenturyLink will provide telephone service, and Northwestern Energy will provide gas. Electric, telephone, cable TV, and gas utilities are required to be placed underground within the existing and proposed utility easements to serve the lots within the subdivision. The developer has indicated that the utilities will be installed underground with each phase.

Finding #6- Impacts on local services would be acceptable with the imposition of standard conditions because the lots within the proposed subdivision would utilize contract haul services for solid waste management, would be served within an acceptable response time by the Columbia Falls Rural Fire District and Flathead County Sheriff’s Department in the event of an emergency, and would have access to phone, cable TV, gas and electric utilities extended underground in conformance with the applicable regulations.

iv. Impact on the Natural Environment

1. Water Quality

As shown on the preliminary plat and in Figure 2 earlier in the report, Trumbull Creek courses through the north and east side of the subject property and through adjacent properties to the north and east. According to the Environmental Assessment, soils in the area consist primarily of silt loam and fine to very fine sand. Groundwater monitoring is being performed and data produced from nearby wells shows static water levels of 10 feet or greater. Based on these findings, it would appear that shallow ground water would not impact development.

In order to minimize impact to groundwater, the subdivision is configured in such a manner that all lots and roads are situated on higher ground away from the Trumbull Creek embankment, all lots are proposed to be served by public water and septic systems designed outside of 100- year floodplain in accordance with Circular DEQ4 Standards for Subsurface Wastewater Treatment Systems, Flathead County Sewage Treatment System Design and Construction Standards, and the Flathead County Regulations for Sewage Treatment Systems.

Submitted stormwater management plan indicates all stormwater drainage would be managed onsite through retention and absorption in the roadside and driveway infiltration swales and no stormwater drainage would enter Trumbull Creek as a result of runoff from the subdivision. As with all subdivisions, water, wastewater and stormwater management for the proposed subdivision would be required to be reviewed and approved as applicable by the Flathead County Environmental Health Department and the Montana Department of Environmental Quality.

Finding #7- Adverse impacts to water quality as a result of the subdivision are not anticipated because all proposed lots and onsite roads would be situated on higher ground well away from the Trumbull Creek embankment, all lots would be served by a public water system and individual septic systems designed in accordance with applicable state and county regulations, stormwater management would prevent direct discharge of stormwater from entering area surface waters, and the water supply, wastewater treatment, and stormwater management would be required to meet applicable requirements of the Flathead County Environmental Health Department and the Montana department of Environmental Quality.

2. **Air Quality**

As the subdivision is accessed by a paved county road and the internal subdivision road network is proposed to be paved, lasting impacts to air quality are not anticipated as a result of the subdivision. The applicant has submitted a Dust Abatement Plan compliant with Section 4.7.14 FCSR. A note should be required to be placed on the face of the final plat that requires the owners of all lots abide by the guidelines set forth in the plan during and after site construction and development activities.

3. **Impact of Noise**

Development of residences on the subdivision lots would likely generate minimal noise during construction, and it is not likely they all would be built simultaneously. The proposed residential use is not anticipated to generate permanent continuous impacting noise to area residents or wildlife.

Finding #8- Adverse impacts to air quality and of noise are anticipated to be minimal and acceptable with the imposition of standard conditions as all roads accessing the subdivision and lots will be paved and short term construction related noise is the only anticipated noise to be generated by the subdivision development.

4. **Impact to Flora**

The subject property is generally flat and open agricultural land which has been historically farmed for alfalfa hay. In addition to the prevalent alfalfa fields on the

property, Trumbull Creek which courses through the northeast corner of the subject property contains wetland and riparian vegetation. All onsite subdivision improvements would be located away from the creek and a Riparian Resource Management Plan has been submitted with the application that includes provisions for protection of this vegetation. The only anticipated impacts to flora are those associated with potential propagation of weeds on disturbed areas if not managed appropriately. Pursuant to Section 4.7.25 FCSR the applicant would be required to develop and implement a weed management plan approved by the Flathead County Weed Board prior to final plat approval.

Finding #9- Impacts to flora are anticipated to be minimal and acceptable as the majority of the subject property is general grasses and alfalfa with wetland and riparian vegetation along the north and east sides of the property that will be protected by a Riparian Resource Management Plan and a weed management plan shall be approved and implemented prior to final plat approval.

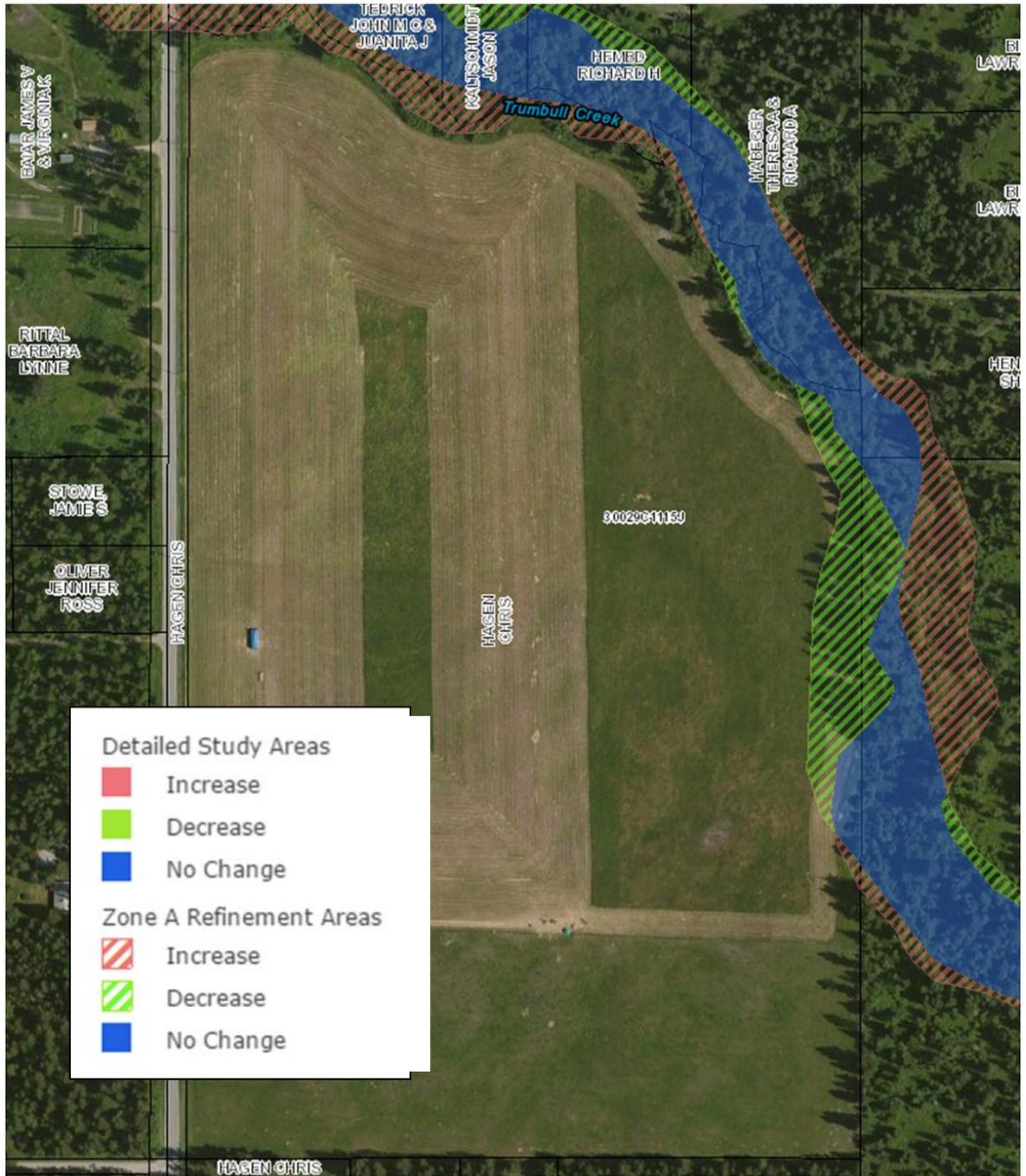
5. Impact to Floodplain

Trumbull Creek which courses through the north and east side of the subject property contains areas of floodplain designated as ‘Zone A’ according to FIRM Panel 1115G. A Flood Hazard Evaluation was submitted with the application that includes a comparison of the FEMA floodplain designation along with an engineer’s delineation of the flood hazard elevation.

While the developer has indicated that a Letter of Map Amendment (LOMA) would be sought to exclude some areas on Lots 9, 10, 11, 12, 20, and 21 currently mapped as “Zone A”, this action may be unnecessary as the Risk MAP program is currently conducting ‘Zone A’ refinements along Trumble Creek (see Figure 5). While the new FIRM panels have not been adopted by Flathead County as of the writing of this report, it is anticipated that final adoption will occur by the end of 2015. In the event that the FIRM panels are not adopted, the developer would be required to obtain a LOMA if the new floodplain boundaries are to be used.

According to the Flathead County Subdivision Regulations, “areas delineated as 100-Year Floodplain may be designated as a ‘No Build Zone’ on the final plat”. Due to the hazards to life, health, and property associated with development around SFHA, a ‘No Build Zone’ would be appropriate mitigation without disproportionately impacting development potential. The boundaries of the ‘No Build Zone’ may be based on the boundaries in the revised FIRM panel or the LOMA, whichever is appropriate at the time of final plat.

Figure 5: Proposed floodplain mapping changes and ‘Zone A’ refinement



Finding #10- Although the subject property contains floodplain designated ‘Zone A’, there is no anticipated impact to floodplain because proposed building sites and subdivision improvements would be located outside of the 1% annual chance flood area (100-year floodplain) with the imposition of a condition requiring the area delineated as Special Flood Hazard area be shown as ‘No Build Zone’ on the face of the final plat.

6. Impact to Riparian/Wetland Areas

The north and eastern side of the subject property contains wetland and riparian areas which occur along Trumbull Creek and the applicant has submitted a Riparian Resource Management Plan. Both the Environmental Assessment and the Riparian Resource Management Plan indicate the boundaries of Riparian Zone and the National Wetlands Inventory (NWI) delineated wetlands. The Riparian Management Plan defines the riparian area as the boundaries of the bank to the rear property lines on Lots 1-10. The plan proposes to protect this area by prohibiting removal of vegetation with the exception of noxious weeds or hazardous conditions.

The Montana Fish, Wildlife and Parks commented on the proposal and suggested that a minimum 150 foot vegetated buffer be left in place and an additional 50 foot setback from the buffer be required. Staff considered the comments provided by FWP but based on the site specific conditions, the recommendation seemed to be unproportional to the impact it would have on development. This is apparent as the riparian and wetland areas roughly coincide with the SFHA to be designated as ‘No Build Zone’ and impact to these areas would appear to be minimal because vegetation is almost entirely located within the boundaries of the bank (see Figure 5). Since this 100 foot setback as noted in the CC&Rs would protect all of the riparian vegetation and allow a small buffer, it appears to be the most appropriate balance of protection of the wetland and riparian vegetation without reducing the amount of buildable area on the adjacent lots to an unacceptable size. With the SHFA “No Build Zone” and the CC&Rs, sufficient mitigation would exist to protect the wetlands and riparian boundaries in accordance with Sections 4.7.10 and 4.7.11 FCSR. According to Section 4.0.10 FCSR, CC&Rs may be used to satisfy mitigation provisions for stream riparian protection buffers.

Finding #11- While the submitted application materials identify jurisdictional wetlands and riparian vegetation onsite, adverse impacts to riparian and wetland vegetation would be minimized and adequately mitigated if the submitted Riparian Resource Management Plan was implemented, the CC&Rs with a 100 foot setback from edge of the property line are adhered to, and the ‘No Build Zone’ required for the SFHA is placed on the face of the final plat because the physical location and sensitivity of the floodplain, wetland, and Riparian Protection Zone adjacent to the river would be made apparent to future lot owners and persons conducting development activities within the subdivision.

7. Impact to Historical Features

The Environmental Assessment indicates there are no known historic, archeological, or cultural sites on the subject property.

v. Impact on Wildlife

The subject property is located in a rural area comprised primarily of low density residential development and limited industrial and commercial land uses within ½ mile. The submitted Environmental Assessment indicates the site is utilized by white-tail and mule deer and various small mammals. The Montana Natural Heritage Program shows that 9 species of concern have been identified within the vicinity including three fish species. The Environmental Assessment has also confirmed that of the three fish species the Westslope cutthroat trout exists within Trumbull Creek. The Great Blue Heron and

the Hoary Bat are similarly registered as species of concern in the area with primary habitat listed as 'riparian forest'. Recent siting of a grizzly bear along Trumbull Creek was also reported in the Environmental Assessment and comment from the Montana Fish, Wildlife and Parks has indicated that bears could be a concern in the proposed subdivision. For this reason the applicant has included language in the CC&Rs to address wildlife management. Although various Species of Concern exist in the vicinity, protection of Trumbull Creek through setbacks described in the CC&Rs and the SFHA 'No Build Zone' will reduce impact on wildlife that use the river and riparian forest.

vi. Impact on Wildlife Habitat

The subject property is relatively flat and open land which has been used for hay production and which provides some habitat for general wildlife where subdivision improvements and residential lots are proposed. According to submitted data from the Montana Natural Heritage Program, several 'species of concern' occur in the vicinity of the subdivision. The majority of the species of concern either utilize the creek or the adjacent riparian forest and protection of these areas through the Riparian Resource Management Plan enforced in accordance with Section 4.0.10 FCSR and the 'No Build Zone' located over the 100-year floodplain will protect important wildlife habitat. Additionally, the setbacks listed in the CC&Rs require a foot setback for Lots 1-10 that will protect wildlife habitat.

Finding #12- Some impacts on general wildlife and wildlife habitat are anticipated because the proposed subdivision would be a compact residential development resulting in general displacement and removal of agricultural open area currently used by area wildlife. However, protection of the riparian forests along Trumbull Creek would protect habitat for the species of concern that utilize the river and riparian forests.

Finding #13- The proposed subdivision is not anticipated to introduce unacceptable impacts to wildlife habitat critical to sensitive species of concern because the critical habitat for 'species of concern' which occur on the subject property would be contained in the 'No Build Zone' and regulated by the Riparian Resource Management Plan and enforced in accordance with Section 4.0.10 FCSR.

vii. Impact on Public Health and Safety

1. Flood Risk

The subject property contains Trumbull Creek to the north and east boundary which contains 'Zone A' designated floodplain according to FIRM Panel 1115G. A Flood Hazard Evaluation was submitted with the application that includes a comparison of the FEMA floodplain designation along with an engineer's approximation of flood hazard boundaries based on the location of the top of the bank. This is not the same as a detailed flood study to establish a base flood elevation, but is a reasonable approximation of the floodplain.

According to the Flathead County Subdivision Regulations, "areas delineated as 100-Year Floodplain may be designated as a 'No Build Zone' on the final plat". Due to the hazards to life, health, and property associated with development around SFHA, a 'No Build Zone' would be appropriate mitigation without disproportionately impacting development potential. The boundaries of the 'No Build Zone' may be

based on the boundaries in the revised FIRM panel or the LOMA, whichever is appropriate at the time of final plat.

Finding #14- Although the subject property contains floodplain designated ‘Zone A’, impact to public health and safety relating to flood risk will be acceptable with the imposition of conditions as proposed building sites and subdivision improvements would be located outside of the 1% annual chance flood area (100-year floodplain) as a result of the ‘No Build Zone’ to be placed on the face of the final plat.

2. Water and Wastewater Treatment

All lots are proposed to be served by a proposed public water system and individual wastewater treatment systems. The water system would consist of two wells and a well house on the common lot adjacent to Halfmoon Road and each lot would be connected via a water main. The public water system would be subject to high levels of monitoring which ensure safety for users. The proposal for wastewater treatment is to use individual septic systems to serve the needs of each lot within the subdivision. As with all subdivisions, both water and wastewater services for the proposed subdivision would be required to be reviewed and approved as applicable by the Flathead County Environmental Health Department and the Montana Department of Environmental Quality.

3. Stormwater

The submitted Stormwater Drainage Plan establishes the conceptual plan for stormwater management and indicates no stormwater drainage would enter vicinity surface waters as a result of runoff from the subdivision. The plan appears to adequately manage stormwater through driveway and roadside retention swales. As there would be more than one acre of ground disturbed through the installation of subdivision improvements it is anticipated the developer will be required to obtain a General Permit for Stormwater Discharges Associated with Construction Activity issued by the MDEQ.

Finding #15- The effects of this proposed subdivision on public health and safety in regard to the proposal for water, wastewater treatment, and stormwater management is acceptable because the public water systems would be subject to high levels of monitoring and the individual wastewater treatment systems and stormwater management plan would be required to be reviewed and approved as applicable by the Flathead County Environmental Health Department and the Montana Department of Environmental Quality.

4. Road Network

Legal and physical access will be provided to each lot from the proposed internal road system which would extend from Halfmoon Road, a county collector. The new internal roads would be private and are proposed to be designed, built and paved to current applicable county standards. The TIS included in the application indicates that the road network in the vicinity of the subdivision would be more than able to handle the additional vehicle trips without reducing the Level of Service below a ‘LOS B’ during peak hours on Halfmoon Road. No additional improvements were indicated as necessary. Copies of the Preliminary Plat, Environmental Assessment, and TIS were

provided to Dave Prunty of the Flathead County Road and Bridge Department and comment indicates no outstanding concerns which suggests the proposal is acceptable in regard to the capability of the road network to safely accommodate the new traffic of the proposed subdivision in addition to traffic already using the area roads.

Finding #16- Impacts of the proposed subdivision on the area road network appear to be acceptable because adequate legal and physical access exists to the subdivision, the submitted Traffic Impact Study prepared by a professional engineer indicates no offsite improvements to area roads or intersections are called for, and comments from the Flathead County Road and Bridge Department indicate the proposal is acceptable in regard to the capability of the road network to safely accommodate the new traffic of the proposed subdivision in addition to traffic already using the area roads.

5. High Voltage Electric Lines/High Pressure Gas Lines

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

6. Fire and Emergency Services

The property is not mapped as being within the Wildland Urban Interface, and the subdivision's land cover is comprised mainly of grasses. The site is located within the Columbia Falls Rural Fire District, and a fire station is located approximately 1 mile south of the subdivision on US Highway 2. The applicant has indicated in the Environmental Assessment that a dry well is located ¼ mile to the north on the Stoltze Land and Lumber Company property and notes "the Columbia Falls Fire Chief has indicated adequate resources are available to serve the subdivision." While the developer has indicated that "in lieu of providing on-site water, the developer will contribute cash in an amount equal to the cost of an on-site storage tank", only those improvements required by the Columbia Falls Rural Fire District shall be required by the county to be developed as a condition of final plat approval. Any additional improvements with regards to firefighting infrastructure will be at the discretion of the developer. The North Valley Hospital is located approximately 5 driving miles away while the Kalispell Regional Medical Center is located about 15 driving miles away. Based on the location of the subdivision outside the city limits of Columbia Falls, response times should be consistent with those of the nearby city.

7. Geologic Hazards

As shown on the preliminary plat, the subject property is generally flat with no variable terrain except along the bank of Trumbull Creek. The submitted Environmental Assessment and groundwater monitoring data indicate no shallow groundwater. The Environmental Assessment indicates that the soils onsite are susceptible to erosion, however the Riparian Resource Management Plan and the 'No Build Zone' should reduce the likelihood of erosion along the bank as the protected vegetation should stabilize the bank. Sufficient building sites away from the Trumbull Creek bank also reduce the risk of geologic hazards to residential structures.

8. Avalanche Hazards

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

9. Airport Influence Areas

The subject property is not within an airport influence area.

10. Soils

As indicated in submitted application materials, soils on the subject property are generally comprised of Hh- Half Moon-Haskill 3-7% slopes and Hc- Half Moon very fine sandy loam 0-3% slopes within the field and Aa Alluvial soil located along the banks of Trumbull Creek. Both Half Moon soil types are suitable for agriculture and considered 'Not Limited' for development of residential dwellings according to the NRCS Web Soil Survey. It is anticipated soils on site would not pose a risk for health and safety for typical residential uses, public water utilities, and road development, as other area properties and roads similarly situated appear to be developed with adequate stability. While soils around the creek are moderately susceptible to erosion, stream bank stability is expected if vegetation is protected and development does not occur within close proximity to the creek.

Finding #17- Minimal risks to public health and safety are anticipated with the imposition of conditions because there are no high voltage electric or high pressure gas lines on or around the subject property, there are no apparent hazards associated with geology, avalanche, or airport influence areas, and soils on the subject property appear to be appropriate for development of residential use and associated infrastructure.

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

Finding #18- The preliminary plat would conform to all provisions of the Montana Subdivision and Platting Act if it contains all elements required to meet state survey requirements, which would be determined when it is reviewed by the Flathead County Examining Land Surveyor prior to final plat approval.

C. Compliance with the Flathead County Subdivision Regulations

Finding #19- No variances are requested or required and a two-phase phasing plan has been proposed. The proposed subdivision is in general compliance with the Flathead County Subdivision Regulations, effective December 1, 2014 as compliant legal and physical access would be provided and potential impacts to the primary review criteria appear able to be adequately addressed by conditions.

D. Compliance with the Flathead County Subdivision Review Procedure

i. Pre-application Conference Date

February 3, 2015

ii. Application Deadline Date (6 months from pre-application)

August 3, 2015

iii. Application Submittal Date

March 6, 2015

iv. Completeness Date

March 10, 2015

v. Sufficiency Date

March 23, 2015

vi. Agency Referral Requests Mailing Date

March 25, 2015

vii. Adjacent Property Notification Mailing Date

April 22, 2015

viii. Legal Notice Publication Date

April 26, 2015

ix. On-site Posting of Public Hearing Date

April 24, 2015

Finding #20- The proposal has been reviewed as a major subdivision in accordance with statutory criteria and standards outlined in Section 4.4 of the Flathead County Subdivision Regulations effective December 1, 2014.

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

Finding #21- The preliminary plat identifies adequate easements for utilities to serve the subdivision. All other easements associated with this subdivision and the subdivided property shall be clearly located on the Final Plat to satisfy applicable requirements of the Montana Subdivision and Platting Act and the Flathead County Subdivision Regulations.

F. Provision of Legal and Physical Access to Each Parcel

Finding #22- Halfmoon Road would provide legal and physical access to the subdivision, and the proposed internal road system consisting of Sawtooth Court and Sawtooth Trail would provide legal and physical access to the individual lots. The internal road system would be privately maintained, occurring within a 60 foot wide private road and utility easement, and would be constructed and paved in compliance with applicable Flathead County standards.

G. Review of Applicable Plans

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

i. Neighborhood Plan

The proposed Halfmoon Meadow Subdivision is not located within a neighborhood plan area.

ii. Flathead County Growth Policy

The Flathead County Growth Policy is a general policy document that meets the requirements of 76-1-601, M.C.A. and was updated on October 12, 2012. While the location is in an area of the county that is un-designated in terms of land-use on the Flathead County Designated Land Use Map, it occurs in a rural agricultural area and is surrounded by similar land uses and lot sizes. Proximity to Columbia Falls, access to infrastructure and public services and similarity to adjacent development all appears to generally comply with the Flathead County Growth Policy. Regulations adopted by Flathead County used in the review of subdivisions are an implementation of the goals and policies established in the Growth Policy. This proposal conforms to

the regulations used in the review of subdivision in Flathead County and is therefore in general compliance with the Flathead County Growth Policy.

H. Compliance with Local Zoning

The proposed subdivision is located in an area of Flathead County that is presently unzoned. Therefore compliance with local zoning is not applicable nor required as part of this subdivision application and review.

Finding #23- The proposed subdivision is located in an unzoned area of Flathead County and is not required to comply with local zoning regulations because no such zoning exists that is applicable to the subject property.

V. SUMMARY OF FINDINGS

Finding #1 - Impact on agriculture would be minimal and limited to the subject property because discontinuation of hay production on site would have minimal impact on hay production rates and adjacent properties are not dependent upon the subject property for agricultural use.

Finding #2- There would be no impact to agricultural water user facilities because the subject property is not currently irrigated for agricultural purposes, has no irrigation infrastructure on site, is not in an irrigation district, and is not party to any apparent existing irrigation agreements.

Finding #3 - The proposal for water supply and wastewater management for the 47 lots within the subdivision is appropriate as adequate water quantity and quality appears to exist for the proposed public water system served by two wells, the water system would be required to be reviewed by the Department of Natural Resource Conservation for applicable water rights if needed, and the water and wastewater systems would be required to be reviewed and permitted by the Montana Department of Environmental Quality as applicable prior to their installation and operation.

Finding #4- Impacts on local services would be acceptable with the imposition of standard conditions because the proposed subdivision would be located within the Columbia Falls School District #6 which has indicated ability to accommodate students, a centralized mailbox is proposed and shall be approved by the postmaster, and sufficient existing and proposed recreational facilities will be provided as cash-in-lieu will satisfy parkland requirement.

Finding #5- The road system appears to be acceptable with the imposition of standard conditions as primary access would be from Halfmoon Road, each lot has legal and physical access provided by internal subdivision roads that will be built to Flathead County Road and Bridge Department standards, and no improvements were determined to be required with the development according to the TIS prepared by a professional engineer.

Finding #6- Impacts on local services would be acceptable with the imposition of standard conditions because the lots within the proposed subdivision would utilize contract haul services for solid waste management, would be served within an acceptable response time by the Columbia Falls Rural Fire District and Flathead County Sheriff's

Department in the event of an emergency, and would have access to phone, cable TV, gas and electric utilities extended underground in conformance with the applicable regulations.

Finding #7- Adverse impacts to water quality as a result of the subdivision are not anticipated because all proposed lots and onsite roads would be situated on higher ground well away from the Trumbull Creek embankment, all lots would be served by a public water system and individual septic systems designed in accordance with applicable state and county regulations, stormwater management would prevent direct discharge of stormwater from entering area surface waters, and the water supply, wastewater treatment, and stormwater management would be required to meet applicable requirements of the Flathead County Environmental Health Department and the Montana department of Environmental Quality.

Finding #8- Adverse impacts to air quality and of noise are anticipated to be minimal and acceptable with the imposition of standard conditions as all roads accessing the subdivision and lots will be paved and short term construction related noise is the only anticipated noise to be generated by the subdivision development.

Finding #9- Impacts to flora are anticipated to be minimal and acceptable as the majority of the subject property is general grasses and alfalfa with wetland and riparian vegetation along the north and east sides of the property that will be protected by a Riparian Resource Management Plan and a weed management plan shall be approved and implemented prior to final plat approval.

Finding #10- Although the subject property contains floodplain designated 'Zone A', there is no anticipated impact to floodplain because proposed building sites and subdivision improvements would be located outside of the 1% annual chance flood area (100-year floodplain) with the imposition of a condition requiring the area delineated as Special Flood Hazard area be shown as 'No Build Zone' on the face of the final plat.

Finding #11- While the submitted application materials identify jurisdictional wetlands and riparian vegetation onsite, adverse impacts to riparian and wetland vegetation would be minimized and adequately mitigated if the submitted Riparian Resource Management Plan was implemented, the CC&Rs with a 100 foot setback from edge of the property line are adhered to, and the 'No Build Zone' required for the SFHA is placed on the face of the final plat because the physical location and sensitivity of the floodplain, wetland, and Riparian Protection Zone adjacent to the river would be made apparent to future lot owners and persons conducting development activities within the subdivision.

Finding #12- Some impacts on general wildlife and wildlife habitat are anticipated because the proposed subdivision would be a compact residential development resulting in general displacement and removal of agricultural open area currently used by area wildlife. However, protection of the riparian forests along Trumbull Creek would protect habitat for the species of concern that utilize the river and riparian forests.

Finding #13- The proposed subdivision is not anticipated to introduce unacceptable impacts to wildlife habitat critical to sensitive species of concern because the critical habitat for 'species of concern' which occur on the subject property would be contained

in the 'No Build Zone' and regulated by the Riparian Resource Management Plan and enforced in accordance with Section 4.0.10 FCSR.

Finding #14- Although the subject property contains floodplain designated 'Zone A', impact to public health and safety relating to flood risk will be acceptable with the imposition of conditions as proposed building sites and subdivision improvements would be located outside of the 1% annual chance flood area (100-year floodplain) as a result of the 'No Build Zone' to be placed on the face of the final plat.

Finding #15- The effects of this proposed subdivision on public health and safety in regard to the proposal for water, wastewater treatment, and stormwater management is acceptable because the public water systems would be subject to high levels of monitoring and the individual wastewater treatment systems and stormwater management plan would be required to be reviewed and approved as applicable by the Flathead County Environmental Health Department and the Montana Department of Environmental Quality.

Finding #16- Impacts of the proposed subdivision on the area road network appear to be acceptable because adequate legal and physical access exists to the subdivision, the submitted Traffic Impact Study prepared by a professional engineer indicates no offsite improvements to area roads or intersections are called for, and comments from the Flathead County Road and Bridge Department indicate the proposal is acceptable in regard to the capability of the road network to safely accommodate the new traffic of the proposed subdivision in addition to traffic already using the area roads.

Finding #17- Minimal risks to public health and safety are anticipated with the imposition of conditions because there are no high voltage electric or high pressure gas lines on or around the subject property, there are no apparent hazards associated with geology, avalanche, or airport influence areas, and soils on the subject property appear to be appropriate for development of residential use and associated infrastructure.

Finding #18- The preliminary plat would conform to all provisions of the Montana Subdivision and Platting Act if it contains all elements required to meet state survey requirements, which would be determined when it is reviewed by the Flathead County Examining Land Surveyor prior to final plat approval.

Finding #19- No variances are requested or required and a two-phase phasing plan has been proposed. The proposed subdivision is in general compliance with the Flathead County Subdivision Regulations, effective December 1, 2014 as compliant legal and physical access would be provided and potential impacts to the primary review criteria appear able to be adequately addressed by conditions.

Finding #20- The proposal has been reviewed as a major subdivision in accordance with statutory criteria and standards outlined in Section 4.4 of the Flathead County Subdivision Regulations effective December 1, 2014.

Finding #21- The preliminary plat identifies adequate easements for utilities to serve the subdivision. All other easements associated with this subdivision and the subdivided property shall be clearly located on the Final Plat to satisfy applicable requirements of the Montana Subdivision and Platting Act and the Flathead County Subdivision Regulations.

Finding #22- Halfmoon Road would provide legal and physical access to the subdivision, and the proposed internal road system consisting of Sawtooth Court and Sawtooth Trail would provide legal and physical access to the individual lots. The internal road system would be privately maintained, occurring within a 60 foot wide private road and utility easement, and would be constructed and paved in compliance with applicable Flathead County standards.

Finding #23- The proposed subdivision is located in an unzoned area of Flathead County and is not required to comply with local zoning regulations because no such zoning exists that is applicable to the subject property.

VI. CONCLUSION

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

VII. CONDITIONS

A. Standard Conditions

1. The developer shall receive physical addresses in accordance with Flathead County Resolution #1626C. All road names shall appear on the final plat. Street addressing shall be assigned by Flathead County. [Section 4.7.16(g)(iv), 4.7.26(c) Flathead County Subdivision Regulations (FCSR)]
2. The developer shall comply with reasonable fire suppression and access requirements of the Columbia Falls Rural Fire District. A letter from the fire chief stating that the plat meets the requirements of the Fire District (or Department) shall be submitted with the application for Final Plat. [Section 4.7.26(b), FCSR]
3. All areas disturbed during development of the subdivision shall be re-vegetated in accordance with an approved Weed Control Plan and a letter from the County Weed Supervisor stating that the Weed Control Plan has been approved shall be submitted with the final plat. [Section 4.7.25, FCSR]
4. Design and construction of all internal subdivision roads shall be certified by a licensed engineer and constructed and paved as proposed in accordance with the *Flathead County Minimum Standards for Design and Construction*, as applicable. [Sections 4.7.16, 4.7.17 FCSR]
5. With the application for final plat, the developer shall provide a compliant Road Users' Agreement or CC&R document which requires each property owner to bear his or her pro-rata share for maintenance of the roads within the subdivision and for any integral access roads lying outside the subdivision. [Section 4.7.15(e), FCSR]

6. All utilities shall be extended underground to abut and be available to each lot, in accordance with a plan approved by the applicable utility providers. [Section 4.7.23, FCSR]
7. The proposed water, wastewater treatment, and stormwater drainage systems for the subdivision shall be reviewed, approved, and permitted as applicable by the Flathead City-County Health Department, and approved by the Montana Department of Environmental Quality. [Sections 4.7.20, 4.7.21 FCSR]
8. The mail delivery site shall be provided with the design and location approved by the local postmaster of USPS. A letter from the postmaster stating that the developer has met their requirements shall be included with the application for final plat. [Section 4.7.28, FCSR]
9. In order to assure the provisions for collection and disposal of solid waste, the developer shall submit a letter from the applicable solid waste contract hauler stating that the hauler is able to provide service to the proposed subdivision. [Section 4.7.22, FCSR]
10. The owners shall abide by the guidelines set forth in the approved Dust and Air Pollution Control and Mitigation Plan during and after site construction and development activities. [Section 4.7.14, FCSR]
11. All road names shall be approved by Flathead County and clearly identified and house numbers will be clearly visible from the road, either at the driveway entrance or on the house. House numbers shall be at least four inches in length per number. [Section 4.7.26(c), FCSR]
12. The following statements shall be placed on the face of the final plat applicable to all lots:
 - a. All road names shall be assigned by the Flathead County Address Coordinator and clearly identified and house numbers will be clearly visible from the road, either at the driveway entrance or on the house. House numbers shall be at least four inches in length per number. [Section 4.7.26(c), FCSR]
 - b. All utilities shall be placed underground. [Section 4.7.23, FCSR]
 - c. The owners shall abide by the guidelines set forth in the approved Dust and Air Pollution Control and Mitigation Plan during and after site construction and development activities. [Section 4.7.14, FCSR]
 - d. Solid Waste removal for all lots shall be provided by a contracted solid waste hauler. [Section 4.7.22, FCSR]
 - e. Lot owners are bound by the Weed Control Plan to which the developer and the Flathead County Weed Department agreed. [4.7.25, FCSR]
13. The final plat shall comply with state surveying requirements. [Section 76-3-608(b)(i), M.C.A.]
14. Where the aggregate total disturbed area of any infrastructure construction in the proposed subdivision as defined in A.R.M. 17.30.1102(28) is equal to, or greater than one acre; or where when combined with subsequent construction of structures such

disturbed area will be equal to, or greater than one acre, a Montana State Department of Environmental Quality (DEQ) General Permit for Stormwater Discharges Associated with Construction Activity (General Permit) shall be obtained prior to any site disturbance or construction and a copy of the DEQ confirmation letter shall be provided to the Flathead County Planning & Zoning office prior to final plat approval. [17.30.1115 Administrative Rules of Montana (A.R.M.)]

15. All required improvements shall be completed in place or a Subdivision Improvement Agreement shall be provided by the subdivider prior to final approval by the County Commissioners. [Section 4.0.16, FCSR]
16. The final plat shall be in substantial compliance with the plat and plans submitted for preliminary plat review, except as modified by these conditions. [Section 4.1.13, FCSR]
17. Preliminary plat approval is valid for three years. The final plat shall be filed prior to the expiration of the three years. Extension requests to the preliminary plat approval shall be made in accordance with the applicable regulations and following associated timeline(s). [Section 4.1.11 FCSR]

B. Project-Specific Conditions

18. The proposed phasing plan shall be implemented in accordance with the requirements of Section 4.4.2 of the Flathead County Subdivision Regulations; each development phase submitted for final plat review and approval shall be required to meet all conditions of approval established or identify where certain conditions have been previously met or are not applicable to the particular phase.
19. The delineated SFHA 100-year floodplain and Base Flood Elevation shall be shown and labeled as a 'No Build Zone' on the face of the final plat. [Sections 4.7.5(a & d) and 4.7.9 FCSR]
20. The applicant shall show proof of a completed approach permit from the Flathead County Road and Bridge Department for the approach of the internal subdivision road indicating the approach has been built and received final inspection and final approval. [Section 4.7.16, FCSR]
21. A bike/pedestrian path easement of compliant width shall be shown on the face of the final plat. [Sections 4.7.19 FCSR]
22. The Riparian Resource Management Plan shall comply with 4.7.11 FCSR and be approved by the Commission. [Section 4.7.11, FCSR]
23. Cash-in-lieu of parkland dedication for the value of a total of 2.92 gross acres of land shall be submitted at the time of final plat. The subdivider shall provide a current appraisal from a Certified General Appraiser (CGA) dated no more than six months prior to final plat application submittal to set the baseline value of the parkland cash donation.[Section 4.7.24 FCSR]
24. Prior to final plat approval of the first phase and each subsequent phase the developer shall provide evidence that all applicable water right requirements of the Department of Natural Resources Water Resources Division have been met. [Section 4.7.20(d) FCSR]

RE