

RESOLUTION NO. 1808

A RESOLUTION OF THE CITY COUNCIL OF COLUMBIA FALLS, MONTANA CONDITIONALLY APPROVING THE PRELIMINARY PLAT FOR THE BENCHES SUBDIVISION, DESCRIBED AS PARCEL 3, COS 20092, TRACT 2 IN SW1/4 NE ¼ & W1/2 SE ¼ SECTION 16, TOWNSHIP 30 NORTH, RANGE 20 WEST, P.M.M., FLATHEAD COUNTY, MONTANA.

WHEREAS, Prairie Dog Development, LLC, purported owner/applicant of the subject property, has applied for preliminary plat approval of The Benches Subdivision;

WHEREAS, the proposed subdivision plat is subject to the provisions of Title 17 of the Columbia Falls Municipal Code and Title 76 of the Montana Code Annotated;

WHEREAS, the Columbia Falls Planning Department, in Subdivision Report #CPP-19-02, recommended approval of said subdivision plat with certain conditions;

WHEREAS, the preliminary approval of said subdivision plat was considered by the City Council of the City of Columbia Falls at the regular council meeting on Monday, October 7, 2019, at which time the Council determined that the development of the subdivision meets the requirements of Title 76, Chapter 3 of the Montana Code Annotated and should be approved with certain conditions.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COLUMBIA FALLS, MONTANA AS FOLLOWS:

Section One. Findings of Fact. That Subdivision Report #CPP-19-02 of the Columbia Falls Planning Department is adopted by the Council as findings of fact with respect to said Subdivision Plat approval and subject to the conditions set forth on Attachment "A."

Section Two. Zoning. That the zoning classification of said premises shall not be affected by this action.

Section Three. Final Plat. That upon proper review and filing of the final plat of said subdivision in the office of the Flathead County Clerk and Recorder; said premises shall be a subdivision of the City of Columbia Falls.

Section Four. Effective Date. This Resolution shall be effective immediately upon its passage and approval by the City Council.

PASSED AND ADOPTED BY THE CITY COUNCIL OF COLUMBIA FALLS,
MONTANA THIS 21ST DAY OF OCTOBER, 2019, THE COUNCIL VOTING AS
FOLLOWS:

AYES: Piper, Robinson, Shepard, Fisher, Lovering and Barnhart

NOES: None

ABSENT: Karper

City Clerk

APPROVED BY THE MAYOR OF COLUMBIA FALLS, MONTANA THIS 21st DAY
OF OCTOBER, 2019.

Mayor

ATTEST:

City Clerk

ATTACHMENT "A"

1. All road right-of-ways within the subdivision shall be privately owned and maintained but open to the public as noted on the face of the final plat.
2. The applicants shall provide at final plat, Road Users Agreement or CC&R's that address the road maintenance and snow plowing. A note shall be placed on the face of the plat informing the lot owner of the road maintenance responsibility.
3. The road construction shall meet the requirements of Chapter 17.18 of the City of Columbia Falls Subdivision Regulations and the Flathead County Public Works Standards and certified by a registered engineer that they meet such standards. The construction plan shall be reviewed and approved by the City prior to construction.
4. The City shall approve a trail plan prior to construction of the project. The trails shall be designed to provide access to each lot along one side of the street or the other or along a common area at the back of lots. The trails shall be constructed prior to final plat with hard surfacing of either asphalt or concrete and a minimum width of five feet.
5. The applicants shall secure a new "Approach Permit" from the MDOT for use of the Highway 2 access. In addition, the applicant shall secure an approach permit from the Flathead County Road Department for the access onto Rogers Road.
6. The applicant shall provide proof that they secured design approval from Northwestern Energy for any utility and road crossing the gas line easement. The applicant shall include those restrictions in the CC&R's.
7. The applicants shall install a 30,000 gallon tanker recharge facility on-site. The design and location of which shall be approved by the Badrock Volunteer Fire District Fire Chief. The hydrant location shall include a pull-out for fire trucks.
8. A note shall be placed on the face of the final plat requiring that each structure provide defensible space as prescribed by the then current regulations of the fire service area jurisdiction. This requirement shall also be placed in the CC&R's.
9. The responsible postmaster shall approve a common mailbox facility at an approved location. The facility shall meet the requirements of 17.18.250. The facility shall be installed prior to final plat or included in an SIA.
10. Developer shall provide a student loading/unloading facility at an approved location as directed by School District 6 or provide a letter from the School District stating that the bus stop is not required.
11. The sewer and water facilities shall be reviewed and approved by the Flathead City County Health Department and Montana Department of Environmental Quality. The water and sewer shall be constructed in accordance with the approved plan and the construction shall be certified by a registered engineer that they meet the approved specifications.
12. All lots shall be served with the proposed public water system located at a location approved by the Flathead City-County Health Department and Montana Department of Environmental Quality. The well(s) shall be constructed in accordance with requirements of these departments and certified as such. The applicants shall provide approval of water rights for water system at Final Plat of Phase 1.
13. A drainage plan approved and stamped by a certified engineer and approved by Montana Department of Environmental Quality shall be implemented prior to final plat of each phase.
14. Given the proximity of the wetlands, a geotechnical report shall be required for the development of Lot 1 and the primary access road in the vicinity of the wetlands. Recommendations of the

Geotechnical Report shall be followed in the construction of the cabins, roadways, and utilities for this area.

15. A note shall be placed on the face of the Final Plat stating: "All dwellings shall have house numbers visible from the internal subdivision road."
16. The applicants shall provide copies of the final plat drawing and as-built construction drawings for all public infrastructure and utilities existing or constructed in the right-of-way or easements. Copies of drawings shall be in both paper and digital. Digital copies shall be in a format prescribed by the City.
17. All utilities shall be installed underground and stubbed to each lot prior to the paving of the roads.
18. The Flathead County Weed Department shall approve a Weed Management Plan for the Development prior to Final Plat. A note shall be placed on the face of the final plat stating: "Lot owners are subject to the Weed Management Plan approved by the Flathead County Weed Department."
19. The applicant shall secure the 404 permit or other applicable permits from the ACOE prior to any disturbance of the wetlands.
20. The applicant shall include maintenance of the parks, open space and public water system in the CC&R's prior to final plat.
21. That the parkland requirement shall be met by providing 16.632 acres (30% of 55.44 acres) of land as park/common area as prescribed in the PUD regulations.
22. Assessment for taxation and special assessments for lands within the common areas shall be proportionally shared among all lots in the subdivision. The proportion may be equal or based upon the area of the lot in proportion to the total area of all lots. Such assessment shall be reported to Flathead County, billed and collected with other tax and assessment due each lot.
23. Plat notes shall be added to the face of the plat delineating that the parks and common area are dedicated in perpetuity and that said space(s) will be owned and maintained by the Homeowners Association. Changes to the use and/or management of the common space or parks shall be approved by the Homeowners Association and the City.
24. The Preliminary Plat is approved with two phases. The Phasing of the subdivision shall comply with the Phasing Plan provided in the preliminary plat application. The applicants may amend or combine phases with approval of the Columbia Falls Planning Staff.
25. All improvements to the public right-of-way shall be complete or guaranteed through a SIA prior to final plat approval. The Developer shall warranty all infrastructure improvements (including the Public Water System) for a minimum of one (1) year after approval of the final plat.
26. The applicant shall provide a letter from the applicable Solid Waste Contractor stating that Solid Waste Service is available to the Subdivision. The CC&R's will encourage use of a Solid Waste contractor for residences in the subdivision.
27. The preliminary plat shall expire three (3) years after the approved effective date stipulated by the City Council if the first phase does not go to final plat. With the final plat of Phase 1 the subsequent phase(s) will expire in two (2) year from the date of approval of Phase 1 or the previously approved phase. Extensions may be granted by the City Council if the applicant requests extension 30-days prior to the expiration of the plat or any remaining phase.

28. To accept the Fish Wildlife and Parks recommendations A-K in Jessy Coltrane's PhD, letter received 09/10/19:

- a) Homeowners must be aware of the potential for vegetation damage by wildlife, particularly from deer feeding on lawns, gardens, flowers, ornamental shrubs, and trees in this subdivision. Homeowners need to take the responsibility to plant nonpalatable vegetation or protect their vegetation (fencing, netting, repellents) in order to avoid problems. Landscape plantings of certain species of native vegetation are less likely to suffer extensive feeding damage by deer. We recommend the excellent booklet, *Minimizing Deer Damage to Residential Plantings*, put out by the Montana State University Animal & Range Sciences Extension Service and available online at: http://www.animalrangeextension.montana.edu/articles/wildlife/deer_damage.htm.
- b) Fruit-producing trees and shrubs should not be allowed because they attract bears. If present, they must be fenced with electric fencing to deter bears. Keep produce and any fruit picked and off the ground. Ripe or rotting fruit or vegetable material attracts bears, deer, skunks, and other wildlife. To help keep wildlife such as deer out of gardens, fences should be 8 feet or taller. Electric fencing for deer should be at a minimum of 8 feet, as well.
- c) Garbage must be stored either in secure, bear-resistant containers or indoors, preferably both, to avoid attracting wildlife such as bears and raccoons. If stored indoors, garbage cans may not be set out until the morning of garbage pickup and must be brought in no later than that same evening. If home sites are occupied seasonally or if the occupants are to be away from the household for 7 days

or more, garbage from the home, other buildings, or containers must be removed from the property prior to their departure.

- d) Do not feed wildlife or offer supplements such as salt or mineral blocks, attractants, or bait for deer or other wildlife. Feeding wildlife results in unnatural concentrations of animals that can lead to overuse of vegetation, disease transmission, and other adverse effects to wildlife (such as foundering of deer). Such actions unnecessarily accustom wild animals to humans, which can be dangerous for both. It is against state law (MCA 87-3-130) to purposely or knowingly attract ungulates, bears, or mountain lions with supplemental food attractants (any food, garbage, salt block, hay, grain, or other attractant for game animals) or to provide supplemental feed attractants in a manner that results in "an artificial concentration of game animals that may potentially contribute to the transmission of disease or that constitutes a threat to public safety." Also, homeowners must be aware that deer might attract mountain lions to the area.
- e) Birdseed is an attractant to bears, deer, and turkeys. Use of bird feeders is not recommended from April 1 through November 30. If used, bird feeders must be suspended a minimum of 10 feet above ground level (measured from bottom of catch plate), be at least 4 feet from any support poles or points, and be designed with a catch plate located below the feeder and fixed such that it collects the seed knocked off the feeder by feeding birds. Hummingbird feeders will follow the same criteria.
- f) Pets at large, particularly dogs and cats, are a real threat to wildlife. Pets must be confined to the house, a fenced yard, or an outdoor kennel when not under the immediate control of the owner, and not allowed to roam. Under state law it is illegal for dogs to chase hoofed game animals (MCA 87-3-124). Keeping pets confined also helps protect them from predatory wildlife. We recommend the FWP brochure *Living with Dogs & Cats*.

- g) Pet food must be stored indoors, in closed sheds, or in bear-resistant containers in order to avoid attracting wildlife such as bears, mountain lions, skunks, and other wildlife. When feeding pets, do not leave food out overnight.
- h) Barbecue grills must be stored indoors, and permanent outdoor barbecue grills shall not be allowed in this subdivision. Keep all portions of the barbecues routinely clean. Food spills and smells on and near the grill attract bears and other wildlife.
- i) Fencing of lot boundaries is discouraged. If used, rail or smooth wire fences will be erected that are no higher than 40" at the top rail/wire and no lower than 18" at the bottom rail/wire in order to facilitate wildlife movement and help avoid animals becoming ensnared and killed by the fence or injuring themselves when trying to jump the fence. Please refer to the helpful booklet on wildlife-friendly fences available from FWP and online at: <http://fwp.mt.gov/fishAndWildlife/landowners/>.
- j) Compost piles and beehives can attract bears and must be fenced with electric fencing to prevent access to them or not allowed in the subdivision.
- k) Domestic animals such as horses, cattle, pigs, sheep, goats, llama, poultry, etc. (including those kept as 4H projects), can attract bears, mountain lions, and coyotes. Animals must be housed with this in mind, and livestock feeds, especially grain-related, must be fed in a manner that does not allow deer or bears to have access to them.

29. All cut and fill areas will be contained within road rights of ways or easements.