

Flathead County
Board of Commissioners

(406) 758-5503



Brad W. Abell
Randy L. Brodehl
Pamela J. Holmquist

August 21, 2025

Mr. Erik Mack, Director
Flathead County Planning & Zoning Office
40 11th Street West, Suite 220
Kalispell, Montana 59901

RE: Preliminary Plat for Flathead Lake Club

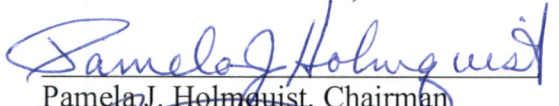
Dear Mr. Mack:

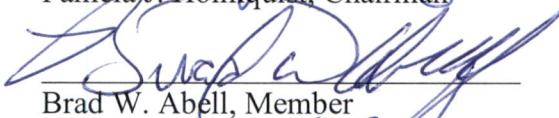
On this date, the Flathead County Board of Commissioners reviewed the preliminary plat of Flathead Lake Club. The Board of Commissioners has granted conditional approval to this request. A copy of the conditions, Exhibit A, is attached for your reference. This preliminary plat approval is in effect for three years and will expire on August 21, 2028.

Please be advised the applicant, if they so choose, can appeal the conditions placed on this plat based on the Flathead County Subdivision Regulations, Section 4.0.9 (Appeals), as set forth in the attached Exhibit A-1.

Sincerely,

BOARD OF COMMISSIONERS
FLATHEAD COUNTY, MONTANA


Pamela J. Holmquist, Chairman


Brad W. Abell, Member


Randy L. Brodehl, Member



Attachment: Exhibit A, Exhibit A-1, Exhibit B

c: TAL & PGL LLC
125 School House Loop 200
Kalispell, MT 59901

406 Engineering, Inc.
35 8th Street East
Kalispell, MT 59901

County Weed & Parks

Lawrence Otto
P.O. Box 10671
Kalispell, MT 59901

Kimley Horn & Associates
1100 W Idaho St, Ste 210
Boise, ID 83702

County Road Dept.

EXHIBIT A

Conditions, upon which approval has been granted to Flathead Lake Club, on this date of August 21, 2025, are as follows:

Standard Conditions:

1. The developer shall receive physical addresses in accordance with Flathead County Resolution #1626. All road names shall appear on the final plat. Street addressing shall be assigned by Flathead County. [Sections 4.7.16(g)(iv), 4.7.26(c) FCSR]
2. The developer shall comply with reasonable fire suppression and access requirements of the Somers 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 and Finding of Fact (FOF) 20]
3. Prior to final plat approval, the subdivider shall provide written documentation from the local fire protection authority verifying the Fire Prevention, Control and Fuels Reduction Plan has been implemented. [Section 4.7.27(b)(iii) FCSR and FOF 20]
4. All areas disturbed during development of the subdivision shall be re-vegetated in accordance with an approved Weed Control Plan and a letter from the County Weed Supervisor stating that the Weed Control Plan has been approved shall be submitted with the final plat. [Section 4.7.25 FCSR and FOF 8]
5. 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]
6. 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 the Montana Department of Environmental Quality. [Sections 4.7.20, 4.7.21 FCSR and FOF 11]
7. 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 and FOF 22]
8. 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 with the application for final plat stating that the hauler is able to provide service to the proposed subdivision. [Section 4.7.22 FCSR and FOF 13]
9. 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 and FOF 14]

10. All road names shall be approved 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]
11. The following statements shall be placed on the face of the final plat applicable to all lots:
 - a. All road names shall be assigned by the Flathead County Address Coordinator and clearly identified and house numbers will be clearly visible from the road, either at the driveway entrance or on the house. House numbers shall be at least four inches in length per number. [Section 4.7.26(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 and FOF 14]
 - d. Solid waste removal for all lots shall be provided by a contracted solid waste hauler. [Section 4.7.22 FCSR and FOF 13]
 - e. Lot owners are bound by the Weed Control Plan to which the developer and the Flathead County Weed Department agreed. [Section 4.7.25 FCSR and FOF 8]
 - f. This subdivision is located in the Wildland Urban Interface area where wildfires can and do occur. [Section 4.7.27 FCSR and FOF 20]
 - g. Only Class A and Class B fire-rated roofing materials are allowed. [Section 4.7.27 FCSR and FOF 20]
 - h. Firewise defensible space standards shall be incorporated around all primary structures and improvements. [Section 4.7.27 FCSR and FOF 20]
12. The final plat shall comply with state surveying requirements. [Section 76-3-608(b)(i) M.C.A.]
13. 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.) and FOF 12]

14. All required improvements shall be 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]
15. 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]
16. Preliminary plat approval is valid for three years. The final plat shall be filed at least 45 working days prior to the expiration of preliminary plat approval, or an approved extension of time. Extension requests to the preliminary plat approval shall be made at least 30 working days prior to the expiration of preliminary plat approval, or a previously approved extension of time. [Sections 4.1.11, 4.1.13 FCSR]

Project-Specific Conditions:

17. The proposed phasing plan shall be implemented in accordance with the requirements of Section 4.4.2 FCSR; 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. [Section 4.4.2 FCSR]
18. For all subsequent phases of a phased subdivision submitted for final plat approval more than 5 years after the date of preliminary approval of the subdivision; the subdivider shall provide written notice to the governing body not more than 1 year or less than 90 days in advance of submitting the final plat application. [Section 4.4.2(f)(i) FCSR]
19. The Riparian Resource Management Plan shall comply with Section 4.7.11 FCSR and be approved by the Commission. [Section 4.7.11 FCSR and FOF 1, 2]
20. The vegetative buffer in accordance with the approved Riparian Resources Management Plan along the unnamed tributary of Stoner Creek and associated wetlands shall be clearly delineated and labeled as a 'No Build Zone' on the face of the final plat. [Section 4.7.11 FCSR and FOF 1, 2]
21. All delineated wetlands, vegetative buffers, and building setbacks as defined in the Riparian Resource Management Plan shall be designated as a 'No Build Zone' on the final plat. [Section 4.7.10 FCSR and FOF 4]
22. The developer shall provide evidence that any building pad on slopes between 25 and 40 percent in cross slope shall be required to undergo a geo-technical soils analysis conducted by a licensed professional engineer prior to final plat approval. The soils analysis must demonstrate that development of these lots would pose no significant geological hazards to either this lot or neighboring properties. [Sections 4.7.4, 4.7.5, 4.7.7 FCSR and FOF 6]
23. The developer shall provide evidence that any building pad within rock fall areas shall be required to undergo a geo-technical soils analysis conducted by a licensed professional engineer prior to final plat approval. The soils analysis must demonstrate that development of

- these lots would pose no significant geological hazards to either this lot or neighboring properties. [Sections 4.7.4, 4.7.5, 4.7.7 FCSR and FOF 6]
24. A fault investigation shall be completed to determine if the identified lineaments on the subject property are active or inactive, prior to final plat approval of Phase 1. [Sections 4.7.4, 4.7.5, 4.7.7 FCSR and FOF 6]
 25. The proposed extensions and connections of the public water supply system and public sewer system shall comply with the standards and requirements of the Lakeside County Water & Sewer District. A letter from the District stating that the water supply and sewage treatment system improvements meet the District's requirements shall be submitted with the application for final plat of each phase. [Sections 4.7.20, 4.7.21 FCSR, FOF 11]
 26. 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. Construction and "As Built" plans and drawings for all roads shall be designed and certified by a licensed professional engineer and provided to the Road and Bridge Department prior to final plat application, unless a Subdivision Improvement Agreement is executed. [Sections 4.7.16, 4.7.17 FCSR and FOF 16]
 27. 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 and FOF 16]
 28. Road identification signs and traffic control devices such as stop signs and yield signs, shall be installed at each intersection in conformance with the requirements of the Flathead County Subdivision Regulations. [Section 4.7.16 and FOF 16]
 29. Prior to final plat approval, the applicant shall provide approach permits from the Montana Department of Transportation for the proposed approaches onto Highway 93. [Section 4.7.16 FCSR and FOF 16, 17, 18]
 30. Contingent upon the Montana Department of Transportation's approval, the developer shall install improvement infrastructure for Highway 93 at the intersections with Legacy Park Way and Golden View Drive in accordance with Montana Department of Transportation standards, prior to final plat approval of Phase 5. [Section 4.7.16, 4.7.17 FCSR and FOF 18]
 31. A 15-foot-wide pedestrian and bicycle path easement shall be shown on the face of the final plat for the entire length of the subdivision adjacent to the Highway 93 right-of-way. [Sections 4.7.19 FCSR and FOF 19]
 32. A total of 864 acres of land shall be dedicated as open space and maintained by the Homeowner's Association in accordance with the provisions of Section 4.7.24(d). The open

space shall be designated as permanent open space on the face of the final plat. [Section 4.4.2(c) and 4.7.24(e)(v) FCSR and FOF 22]

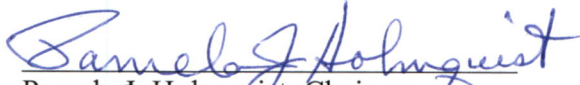
33. Covenants, Conditions and Restrictions (CC&Rs) shall be recorded at the time of final plat describing the intended use, management, and ownership of the open space. [Section 4.7.24(d)(ii) FCSR and FOF 22]

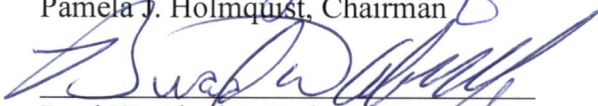
34. The following statement shall be included on the face of the final plat applicable to all lots: [Section 4.7.4 FCSR and FOF 24]

- i. The Bonneville Power Administration (BPA) imposes certain conditions on the portions of those properties encumbered by its high-voltage transmission line right-of-way. BPA does not allow structures to be built within the right-of-way, nor does it allow access to be blocked to any transmission facilities. Any activity that is to occur within the right-of-way needs to be permitted by BPA prior to installation or construction. Information regarding the permitting process for proposed uses of the right-of-way may be addressed to BPA Real Estate Field Services at (406) 751-7824.

35. Applicant must show with legal certainty and to this Board's satisfaction, its legal right to develop the property as proposed.

BOARD OF COMMISSIONERS
FLATHEAD COUNTY, MONTANA


Pamela J. Holmquist, Chairman


Brad W. Abell, Member



Randy L. Brodehl, Member

EXHIBIT A-1

4.0.9 Appeals

A decision of the Commission regarding a proposed subdivision may be appealed to the district court pursuant to 76-3-625, MCA. A party who is aggrieved by a decision of the Commission may, within 30 days from the date of the written decision, appeal to the district court. The petition must specify the grounds upon which the appeal is made.

EXHIBIT B

At their meeting on August 21, 2025, the Flathead County Board of Commissioners voted to conditionally approve the preliminary plat of Flathead Lake Club, based on the following Staff Report:

FLATHEAD COUNTY PLANNING AND ZONING OFFICE
APPROVED SUBDIVISION REPORT # FPP-24-12
FLATHEAD LAKE CLUB
JUNE 25, 2025; AMENDED AUGUST 21, 2025

I. GENERAL INFORMATION

A. Project Description

The proposal is for preliminary plat approval of a 359 single-family residential lot and 7 commercial lot subdivision on approximately 1,700 acres, to be completed in five phases. The subdivision would be served by the Lakeside Water & Sewer District for wastewater treatment. The developer will construct their own water system for the project, to the Lakeside Water & Sewer District's specifications, and turn over ownership and operation of the water system to the District at the conclusion of each phase. Access to the lots would be from a network of internal subdivision roads via two approaches onto Highway 93.

B. Project Personnel

1. Owner

TAL & PGL, LLC.
125 School House Loop Ste. 200
Kalispell, MT 59901

2. Owner

Lawrence Otto
PO Box 10671
Kalispell, MT 59901

3. Applicant

Flathead Friends, LLC.
109 West 7th Street, Ste. 200
Georgetown, TX 78626

4. Technical Representative #1

406 Engineering, Inc.
35 8th Street East
Kalispell, MT 59901

5. Technical Representative #2

Kimley Horn & Associates, Inc.
1100 West Idaho Street, Ste. 210
Boise, ID 83702

C. Application Review Dates

1. Land Use Advisory Committee/Council

The proposed subdivision is located within the jurisdiction of the Lakeside Community Council (LCC). The LCC, as of the writing of this staff report, does not have a quorum and, therefore, will not review the file.

2. Planning Board

The Flathead County Planning Board will hold a public hearing on the proposed subdivision on July 9, 2025, at 6:00 P.M. in the Second Floor Conference Room of the South Campus Building located at 40 11th Street West in Kalispell, MT. A recommendation from the Planning Board will be forwarded to the Flathead County Board of Commissioners for their consideration.

Update August 13, 2025

On July 9, 2025, the Flathead County Planning Board conducted a public hearing on the proposed preliminary plat. After staff presentation, applicant presentation,

public comment, applicant rebuttal, and staff rebuttal, the Board voted 7-0 to table the file until the next regularly scheduled meeting. Details of the public hearing are available in the Flathead County Planning Board Meeting Minutes of July 9, 2025.

On August 13, 2025, the Flathead County Planning Board voted 6-0 to take the file FPP-24-12 off the table. After applicant rebuttal, staff rebuttal, and board discussion, the Board voted 6-0 to adopt the staff report as Findings of Fact with amendments to Finding #1, #3, #4, #9, and #18, and 5-1 to forward a positive recommendation with amendments to Conditions #20, #21, and #30. Details of the applicant rebuttal, staff rebuttal, and board discussion are available in the Flathead County Planning Board Meeting Minutes of August 13, 2025. The approved Findings of Fact and Conditions of Approval are included in the Planning Board Update to Staff Report #FPP-24-12.

3. Commission

The Flathead County Board of Commissioners will review this proposal after the public hearing conducted by the Planning Board and prior to August 15, 2025, which is the end of the 80-working-day statutory review period.

Update August 13, 2025

On July 29, 2025, the developer and Planning Director agreed to extend the statutory review period to August 21, 2025. The Flathead County Board of Commissioners will review this proposal on August 21, 2025 at 9:00 A.M.

Update August 21, 2025

On August 21, 2025, the Flathead County Board of Commissioners considered the application for preliminary plat approval. The Board voted 3-0 to adopt the staff report as Findings of Fact with amendments to Finding #22 and the addition of Finding #32, 3-0 to adopt the Conditions of Approval with amendments to Condition #32 and the addition of Condition #35, and 3-0 to approve the preliminary plat. The approved findings of fact are included in this updated report, and Exhibit A contains the conditions of approval.

II. ADMINISTRATIVE CHARACTERISTICS

A. Legal Description and Detailed Location of Subject Property

The subject property totals 1,700.07 acres and is located along Highway 93 south of the community of Lakeside, MT (see Figure 1). The property can legally be described as follows:

Tract 1 of Certificate of Survey No. 22476, located in the Northwest Quarter of Section 29, Township 26 North, Range 20 West, P.M., Flathead County, Montana.

Tract 2 of Certificate of Survey No. 22476, located in the Northwest Quarter and the Northeast Quarter of Section 29, Township 26 North, Range 20 West, P.M., Flathead County, Montana.

Tract 3 of Certificate of Survey No. 22476, located in the Northwest Quarter and the Northeast Quarter and the Southwest Quarter and the Southeast Quarter of Section 29, Township 26 North, Range 20 West, P.M., Flathead County, Montana.

Tract 4 of Certificate of Survey No. 22476, located in the Southwest Quarter and the Southeast Quarter of Section 29, Township 26 North, Range 20 West, P.M., Flathead County, Montana.

Parcel 2 of Certificate of Survey No. 22014, located in the Northwest Quarter of Section 29 and the Northeast Quarter of Section 30, all in Township 26 North, Range 20 West, P.M., Flathead County, Montana.

Parcel 3 of Certificate of Survey No. 22014, located in the Southwest Quarter of Section 29 and the Southeast Quarter of Section 30, all in Township 26 North, Range 20 West, P.M., Flathead County, Montana.

Parcel 4 of Certificate of Survey No. 22014, located in the West Half of Section 29 and the East Half of Section 30, all in Township 26 North, Range 20 West, P.M., Flathead County, Montana.

Parcel 5 of Certificate of Survey No. 22014, located in the East Half of Section 30, Township 26 North, Range 20 West, P.M., Flathead County, Montana.

Parcel 6 of Certificate of Survey No. 22014, located in the West Half and the East Half of Section 30, Township 26 North, Range 20 West, P.M., Flathead County, Montana.

Parcel 7 of Certificate of Survey No. 22014, located in the North Half of Section 30, Township 26 North, Range 20 West, P.M., Flathead County, Montana.

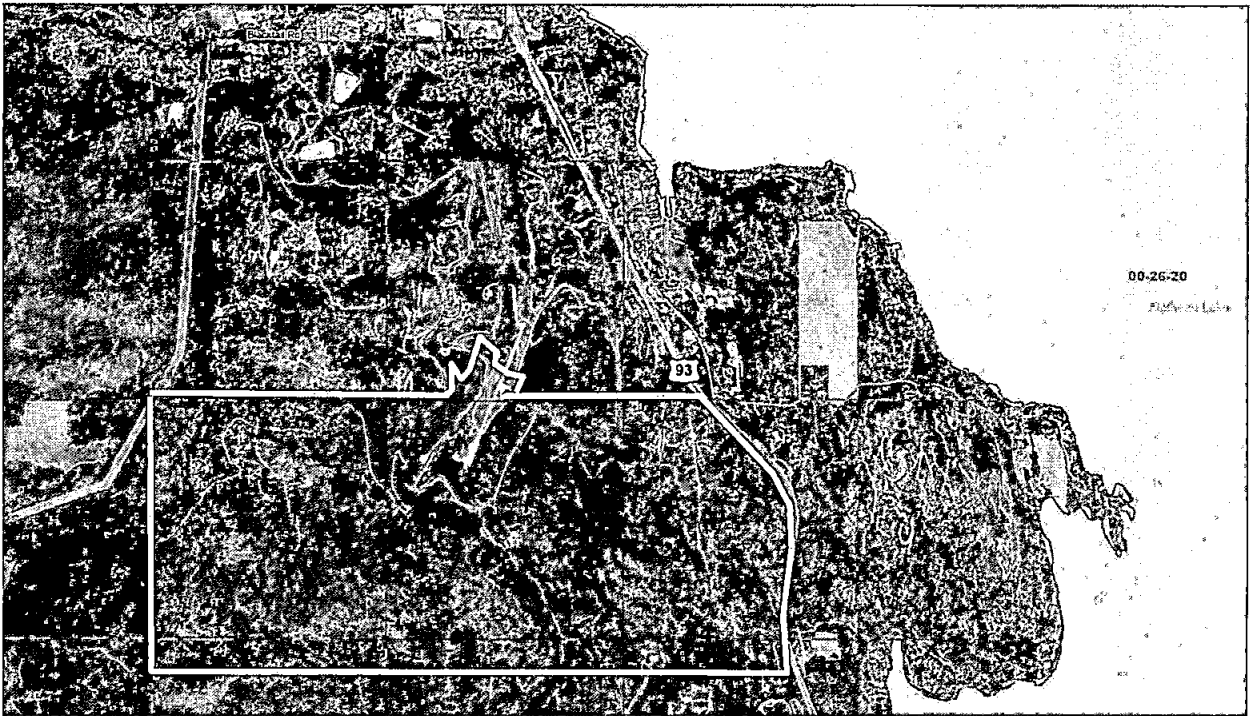
Parcel 8 of Certificate of Survey No. 22014, located in the West Half and the East Half of Section 30, Township 26 North, Range 20 West and in the East Half of Section 25, Township 26 North, Range 21 West, P.M., Flathead County, Montana.

Section 25, Township 26 North, Range 21 West, P.M., Flathead County, Montana EXCEPTING THEREFROM that portion of Parcel 8 of Certificate of Survey No. 22014, located in the East Half of Section 25, Township 26 North, Range 21 West, P.M., Flathead County, Montana.

Lot 15A of an Amended Plat of Eagle's Crest Bluffs, located in the southwest quarter of Section 19, Township 26 North, Range 20 West, P.M., Flathead County Montana.

Amended Plat of Lot 27 of Eagle Development Phase II located in Section 19, Township 19 North, Range 20 South, P.M.M., Flathead County, Montana.

Figure 1: Aerial of subject property outlined in yellow



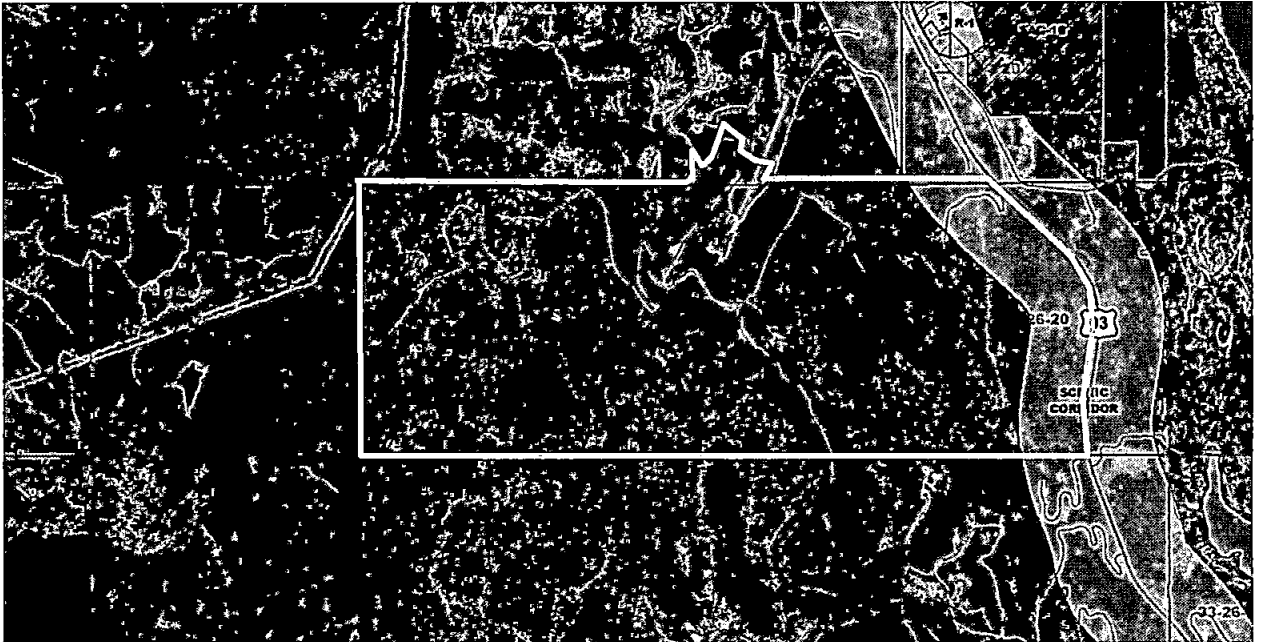
B. Subdivision Layout Detail

1. Total Subdivision Acreage:	1700.07 acres
2. Acreage in Lots:	702.72 acres
3. Acreage in Roads:	132.98 acres
4. Total Open Space Acreage:	864.36 acres
5. Minimum Lot Size:	0.41 acres
6. Maximum Lot Size:	58.84 acres
7. Density:	1 unit per 4.65 acres

C. Current Land Use and Zoning

The majority of the subject property is not zoned. The portion of the subject property located within a quarter mile of Highway 93 is zoned 'SC Scenic Corridor' (see Figure 2 below). The majority of the property is undeveloped, with the exception of the southern portion of a private airfield located in the northern extent of the subdivision. The remainder of the airfield extends into the Eagle Development Subdivision, adjacent to the north.

Figure 2: Surrounding zoning, subject property outlined in yellow



D. Proposed Land Use

The proposed subdivision would result in 359 single-family residential lots and 7 commercial (amenity) lots. Two of the amenity lots would contain a golf course. The subdivision, although accessible year-round, would provide homes of a recreational and seasonal nature, with access to the golf course being a central feature. The other amenity lots would be used to serve residents of the subdivision in the form of onsite restaurants, clubhouses, a spa, fitness areas, offices, retail stores, and maintenance facilities. In addition to the golf course, several open space areas will be located throughout the subdivision, totaling 864.36 acres. All lots, upon infrastructure completion, would be served by the Lakeside Water & Sewer District for water and wastewater services. Access to the proposed lots would be from a network of new internal subdivision roads via two access points along Highway 93.

The preliminary plat application includes a phasing plan, which proposes that the subdivision be completed in five phases. A public facilities improvement plan showing which improvements will be completed with each phase was submitted with the phasing plan, pursuant to Section 4.4.2 FCSR. The phases and general timeframe for each phase are as follows:

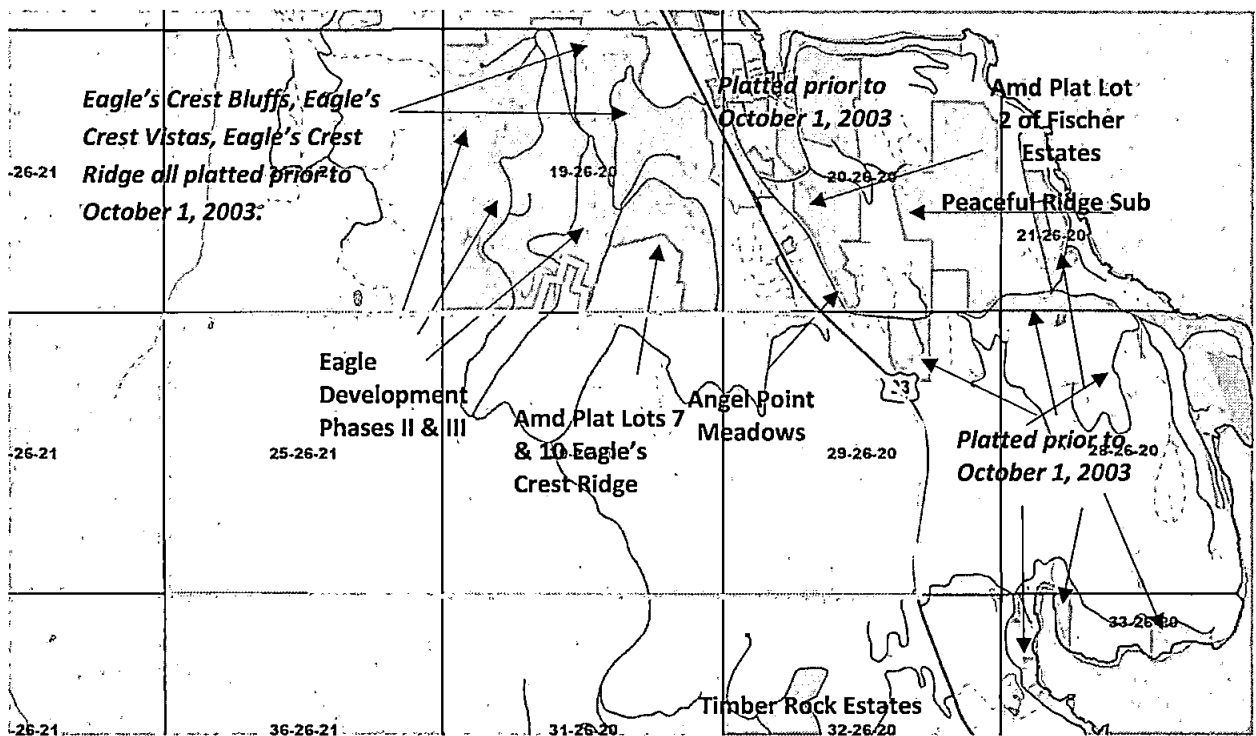
Phase	Number of Lots	Estimated Completion Date
Phase I	80 single-family residential lots / 177.71 acres open space	03.31.2026
Phase II	64 single-family residential lots / 16.86 acres open space / 1 amenity lot	09.31.2026
Phase III	62 single-family residential lots / 138 acres open space / 3 amenity lots	03.31.2027

Phase IV	80 single-family residential lots / 80.58 acres open space	09.31.2027
Phase V	73 single-family residential lots / 449.76 acres open space / 3 amenity lots	03.31.2028

E. Previously Considered Subdivisions in Area (since October 1, 2003)

Subdivision Name (year approved)	Type	Total Lots	Average Lot Size
Amended Plat of Lot 2 of Fischer Estates Subdivision (2004)	Residential	2	13.80 acres
Eagle Development Phase II (2004)	Residential	27	8.61 acres
Amended Plat of Lots 7 & 10 of Eagle's Crest Ridge (2005)	Residential	4	5.16 acres
Eagle Development Phase III (2006)	Residential	43	3.4 acres
Timber Rock Estates (2006)	Residential	5	10.79 acres
Angel Point Meadows (2008)	Residential	3	1.74 acres

Figure 3: Area subdivisions, subject property outlined in yellow



F. Utilities and Services

- 1. Water** – Onsite community water system and Lakeside Water & Sewer District
- 2. Wastewater** – Lakeside Water & Sewer District
- 3. Electricity** – Flathead Electric Cooperative
- 4. Natural Gas** – NorthWestern Energy
- 5. Solid Waste** – Evergreen Disposal (Contract Haul)
- 6. Telephone Service** – CenturyLink

7. **School District(s)** – Somers Elementary School District & Flathead High School District
8. **Fire District(s)** – Somers Fire District
9. **Police** – Flathead County Sheriff's Office

III. COMMENTS RECEIVED

A. Agency Comments

1. Referrals were sent to the following agencies on May 13, 2025. On May 22, 2025, a revised agency referral letter was mailed which corrected an error sent on the original letter about the number of lots in the subdivision:

- Bonneville Power Administration
- Montana Department of Environmental Quality
- Montana Department of Natural Resources & Conservation
- DNRC Forestry & Fire Division
- Flathead City-County Health Department – Environmental Health
- Flathead Conservation District
- Flathead County Address Coordinator/GIS Department
- Flathead County Road & Bridge Department
- Flathead County Sheriff's Office
- Flathead County Solid Waste District
- Flathead County Superintendent of Schools
- Flathead County Weeds & Parks Department
- Montana Department of Transportation
- Montana Fish, Wildlife & Parks
- Lakeside Water & Sewer District
- Somers Fire District
- Flathead County Fire Service Area
- Somers Elementary School District
- Flathead High School District
- U.S. Army Corps of Engineers
- U.S. Forest Service, Planning Staff Officer
- Montana Bureau of Mines and Geology
- Flathead Municipal Airport Authority

2. The following is a summarized list of agency comments received as of the date of the completion of this staff report:

- Bonneville Power Administration
 - Comment: *"The Bonneville Power Administration (BPA) has reviewed the information received from Flathead County Planning and Zoning. Please recognize that BPA has a transmission line right-of-way through this property.*

"BPA has no objection to the Preliminary Plat Request. However, BPA has concerns about the possibility of future design plan on the NW¼NW¼ of Section 25, Township 26 North, Range 21 West, M.P.M., Flathead County, Montana.

BPA holds an easement within Section 25 for the Kalispell-Kerr Transmission Line which includes "the right to enter". We would like to ensure that the easement and the rights to access and cross Section 25 is recognized so not to block BPA out of our transmission line and legal easement area.

"BPA right-of-way easements are taken with certain restrictions on the underlying land. In order to maintain operation and safety criteria, all activities planned within the BPA right-of-way need to be approved by BPA prior to their occurrence. Activities that block maintenance crews (such as the installation of fences) or safety concerns (such as buildings, public roads, driveways, utilities, small structures) need to be addressed prior to construction in order to avoid later modification, at the landowner's expense.

"In order to avoid problems at this location, BPA requests that the following language be included on the Master Plan map for this site:

"The Bonneville Power Administration (BPA) imposes certain conditions on the portions of those properties encumbered by its high-voltage transmission line right-of-way. BPA does not allow structures to be built within the right-of-way, nor does it allow access to be blocked to any transmission facilities. Any activity that is to occur within the right-of-way needs to be permitted by BPA prior to installation or construction. Information regarding the permitting process for proposed uses of the right-of-way may be addressed to BPA Real Estate Field Services at (406) 751-7824.

"I encourage the landowner to contact me to discuss any activity planned in BPA's right-of-way in order to minimize later disputes or unnecessary costs associated with the required removal or modification of incompatible or non-permitted activities placed within BPA's easements [...]" Letter received May 30, 2025.

- Flathead County Road and Bridge Department
 - Comment: *"Thanks for the opportunity to comment on the above-mentioned preliminary plat. Flathead County Road Dept. has had multiple meetings in the last year or so with the project engineer and planner. Discussions centered around the development meeting criteria in our Minimum Design Standards and also included the County Planning Staff and Fire Chief for the area to make sure they were amenable to the project plans. The engineers met our requests and discussed items, so we have no comments on the preliminary plat request as provided."* Letter received May 19, 2025.
- Flathead City-County Health Department – Environmental Health Services
 - Comment: *"This office has reviewed the information provided and submits the following comments in regards to the preliminary plat approval request for the property stated above:*

1. *The proposed plat is subject to review under Title 76-4 Part 1, Sanitation in Subdivision, MCA. This review will address water supply, wastewater, storm water drainage and solid waste disposal. **Unless an appropriate exemption is claimed.***
 2. *This development is not located within the Kalispell Air Quality Control District but fugitive dust must be controlled during development. All proposed development must be in accordance with Flathead County Air Pollution Control Regulations (FCAPCR), Chapter VIII, Sub-Chapter 5." Letter received May 27, 2025.*
- Department of Natural Resources and Conservation – Northwestern Land Office – Real Property Agent
 - Comment: *"This proposed subdivision borders a trust land parcel. Our concerns would be on the impact of increased public traffic to the parcel and what environmental affects that may have. Fire suppression would also be a concern due to the high susceptibility of fire in that area and the topography. I believe our Fire Management Officer will be commenting as well with more information regarding the fire concerns." Letter received May 30, 2025.*
 - Department of Natural Resources and Conservation – Northwestern Land Office – Fire Management Officer
 - Comment: *"Wildfires will occur within the boundaries of the proposed sub-division. With proper mitigations, the ability to evacuate residents, lower fire behavior severity, and reduce the risk of losing primary structures can be increased. Here are recommendations from the Department of Natural Resources and Conservation that should be implemented in the proposed sub-division.*
 1. *Ingress/Egress –*
 - a. *All road systems need to be built to handle two-way traffic without the use of pullouts or wide spots. This will reduce traffic congestion and allow responders to travel into the subdivision as residents evacuate the area.*
 - b. *Shaded fuel breaks should be used along all roads that travel through undeveloped open spaces. Shaded fuel breaks will provide additional opportunities to use roads as containment lines during suppression, potential increase visibility, and reduce potential for large crown fires to advance through the sub-division by creating adequate tree spacing.*
 - c. *Alternate routes out of the sub-division if established should be identified to all homeowners and maintained. They should not have locked access during fire season.*
 2. *Open spaces –*
 - a. *The proposal identifies open spaces that will not be developed. The timber on these spaces should be managed to mitigate the risk of insects, disease, and hazard fuel accumulations. Adequate tree*

spacing and removal of ladder fuels will also reduce the potential for extreme fire behavior in these spaces.

3. Property Owners

- a. Best Practices in Firewise Home ignition zones should be enforced to increase the survivability of structures.*
- b. Resilient ignition materials should be used during home construction.*
- c. Timber owned by private residents should follow the same practices used in open spaces to reduce insect infestation, disease, and hazard fuel accumulation. [...]" Letter received June 11, 2025*

- **Flathead Conservation District**

- *Comment: "[...] The Flathead Conservation District (FCD) and the Natural Resources Conservation Service (NRCS) recently hosted the Local Working Group (LWG) meeting which brought together 35 representative from various stakeholder groups include the Montana Department of Natural Resource and Conservation (DNRC) Western Montana Conservation Commission, County Commissioners, MSU Extension, Flathead Lake Biological Station, Department of Environmental Quality, Watershed groups, non-profit organizations, land trusts, private industry, private landowners, and agricultural producers. At the facilitated meeting we identified primary resource concerns in Flathead County, and ranked and prioritized the issues: water quality and availability; habitat loss and development pressure due to rapid growth; agricultural sustainability; and forest health and wildfire mitigation.*

"The Conservation Board of Supervisors met on May 27, 2025, and discussed this application. These discussions, along with the LWG meeting results, form the basis for the Conservation District's comments on the Flathead Lake Club proposal.

"Water Quality and Availability

"Water quality and availability are crucial for ecological balance and community sustainability. Flathead Lake and its tributaries support aquatic resources but face threats from stormwater runoff and pesticides. Stoner Creek helps maintain groundwater wells essential for consistent water supply. Challenges include drought, contamination, and ecosystem degradation.

"Conservation efforts improve water quality and support habitats. FCD emphasizes the need to prioritize responsible development and sustainable growth in the region. The Lakeside Sewer and Water District's treatment capacity needs to be upgraded to accommodate projects such as the Flathead Lake Club. FCD has noted concerns regarding the Lakeside Sewer and Water District's capacity and treatment quality and the consequences of the system failing.

"Effective waste disposal practices are essential to prevent contamination

and protect public health. Integrated strategies, including sustainable water management, community awareness programs, and advanced monitoring systems, are necessary to address runoff impacts and preserve water resources.

“Construction increases impermeable surfaces, reducing groundwater infiltration and increasing runoff. Using silt fences and controlling sediment during construction can prevent erosion. Planting native grasses post-construction helps control erosion naturally. Increased impermeable areas from roads, roofs, and driveways will boost stormwater runoff into Stony Creek. Rain gardens and filter strips are recommended to reduce nonpoint source pollution. Protecting riparian vegetative buffers is crucial for intercepting and filtering polluted runoff.

“The Natural Streambed and Land Preservation Act (NSLPA) protects streams and adjacent lands, requiring a 310 Permit for private work that may impact the bed or banks of perennial streams. The applicant claims Stoner Creek appears to be intermittent/perennial and therefore may fall under NSLPA jurisdiction. Any potential impacts to the bed and banks of Stoner Creek and its tributaries should be reviewed in an application for a 310 Permit. Each stream requires specific considerations for maintaining its natural or existing state, health and function.

“Habitat Loss and Degradation, Development Pressure & Rapid Growth

“Riparian habitats face encroachment due to suburban development, fragmenting timberlands and disrupting ecosystems. Urban sprawl threatens open spaces, necessitating a balanced approach that prioritizes conservation. The Flathead County Growth Policy and Lakeside Neighborhood Plan guide development decisions based on the community's vision. Although not regulatory, following these documents helps ensure compatible development.

The Lakeside area has seismic risks, as it lies within the intermountain seismic belt, known for occasional tremors. Flathead Lake's surrounding area has experienced minor earthquakes in the past, reminding residents of the importance of preparedness measures. While these are not frequent or severe, the geological dynamics of the region necessitate monitoring and adherence to building practices that mitigate potential risks.

“Agricultural Sustainability

“The Flathead Lake Club Environmental Assessment lacks integration of sustainable agriculture (golf course) and forestry. The entire area was previously owned and managed by the Plum Creek Timber Company for commercial timber production, and those forest resources should be managed for forest health and sustainability in the future considering the proposed shift in land use practices.

"Maintenance of golf courses requires substantial resources, including water, energy, and chemicals, which can have environmental impacts and result in nonpoint source pollution. Runoff of synthetic fertilizers and pesticides has the potential to contaminate surface and ground waters if applied in excess or if the application is inappropriately timed. The golf courses should be examined for their effects on both surface water, ground water, and soil health and protections put in place to intercept and attenuate runoff and nonpoint source pollution.

"The Environmental Assessment states the USDA survey reports that 2.8% of farmland is "Prime if irrigated," 6.2% is "of statewide importance," and 6.6% is "of unique importance." NRCS highlights soil quality, water availability, and land management for prime farmland and the importance of preserving this critical resource.

"Forest Health & Wildfire Mitigation

"Flathead Lake Club Development needs a committed approach to forest health and wildfire mitigation, including defensible space creation, fuel reduction, community engagement, and sustainable forest management. A detailed plan for ongoing forest health monitoring, stakeholder involvement, climate change strategies, and adaptive species support is essential. Pre-fire planning should cover evacuation routes, public awareness campaigns, and community drills. Fuel management techniques and collaboration with regional agencies enhance preparedness. Post-fire recovery must address ecological and economic aspects.

"These are the initial comments from FCD on this complex development with limited information provided. FCD looks forward to reviewing the full application package, listening to public input, and offering further comments during the planning process. [...]" Letter received June 2, 2025.

- Flathead County Solid Waste District
 - Comment: *"[...] The landfill capacity currently available is from 75 to 82 years based upon an annual tonnage increase of 2% per year respectively.*
"The District requests that all new subdivisions use a private hauler to bring the solid waste to the landfill. Owner hauling of solid waste from the subdivision should not be the primary method of disposal. Evergreen Disposal is the (PSC) Public Service Commission-licensed hauler in this area. [...]"
"After reviewing the project summary, I believe that the issue of solid waste disposal has been addressed. [...]" Letter received May 20, 2025
- Montana Fish, Wildlife & Parks
 - Comment: *"[...] The proposed subdivision is within a largely undeveloped area abutting both State and National Forest, lands and undeveloped and low-density development private lands. Characterized as mixed coniferous forest, the area is used extensively by white-tailed deer, mule deer, elk, and*

black bears. Carnivores including mountain lions and wolves are common. Collared grizzly bears have used this area, and recently, a trail camera located on nearby private property captured a wolverine. Numerous other species, including medium and small-sized mammals, raptors, songbirds, bats, and amphibians are common.

“This subdivision falls within the winter range of elk, mule deer, and white-tailed deer and may have a significant negative impact on their populations. Winter range is one of the most limiting habitat types for ungulates in northwest Montana and is vital to ungulate survival. Minimizing impacts to winter range to include keeping dogs away from wintering wildlife, is an important part of maintaining wildlife on the landscape. We address the rationale and science behind ungulate winter range concerns in our Big Game Range Recommendations for Subdivision Development

(<https://fwp.mt.gov/binaries/content/assets/fwp/conservation/subdivisions-and-big-game-winter-range.final.pdf>) and propose the developer, Flathead Friends, LLC, review and implement these recommendations.

“Development of this scale in this location will reduce habitat quality and quantity, create structural barriers to wildlife movement, displace wildlife, and have significant negative impacts to wildlife within the footprint of this proposed development and the surrounding area. While the applicant proposes to mitigate wildlife impacts through protection of 864-acres of open space, the wildlife value of these acres is low due to the uses proposed by the developer, including a golf course, recreation facilities, and “additional amenities.” Furthermore, much of this proposed open space is small, often associated with steep unbuildable terrain, isolated from contiguous habitat and interspersed among a heavily developed landscape. Therefore, the proposed open space areas will do little to mitigate habitat fragmentation and destruction and will most likely create barriers to movement. Fencing to contain pets and livestock will create additional barriers to wildlife movement. Development can also provide wildlife attractants that increase wildlife-human conflicts and ultimately act as population sinks for species such as bears and ungulates. Ungulates and other species, such as Canada geese, are often attracted to ornamental vegetation associated with human developments. Increased ungulate concentrations will result in an increase predators, such as mountain lions, which may opportunistically prey on pets when available. Fruit bearing trees, garbage, pet food, and pets will attract bears to this subdivision, resulting in increased bear-human conflicts that may result in increased bear mortality or maulings. The proposed golf course includes portions of a perennial stream (Stoner Creek) and associated wetland. The developer has proposed a 30 ft vegetated buffer around the wetland and creek to protect the aquatic habitat; however, this buffer is inadequate to mitigate the impacts of the golf course and associated herbicides and pesticides on aquatic wildlife and other species that utilize wetland and riparian areas.

Please see further in this letter for adequate setbacks and buffers.

"If this subdivision is approved, FWP recommends the following to help mitigate wildlife impacts and reduce wildlife-human conflicts:

"Development Considerations

"FWP recommends clustering lots and maintaining open "common areas" that are undeveloped. These undeveloped areas can serve both as wildlife habitat and travel routes for wildlife moving through the area. Open areas not only provide benefits to wildlife, but also to the residents of the subdivision who can continue to enjoy the open space and wildlife it attracts. FWP's Subdivision Recommendations, shared with the developer during initial consult (<https://fwp.mt.gov/conservation/living-with-wildlife/subdivision-recommendations>), provides additional information on how to minimize the impacts developments have on wildlife. While FWP appreciates the applicant's proposal to leave open space, the interspersion of small "open space parcels" amongst housing developments limits its viability for wildlife or wildlife movement. Furthermore, the golf course will provide no wildlife habitat and may act as a barrier to movement, as many wildlife species actively avoid open areas. Therefore, FWP recommends the developer consider appropriating parcels that would conserve wildlife habitat, maintain ungulate winter range, and facilitate movement through and around the subdivision. FWP staff are willing to work with the developer to better achieve this goal.

"Wildlife Attractants/Wildlife Conflicts/Living with Wildlife

"Providing residents with information regarding living with wildlife is important, and FWP recommends the guidelines presented below be incorporated into the subdivisions covenants, restrictions and conditions to enable awareness and enforceability, should the development move forward.

Mountain lions, bears, deer, elk, and other wildlife occupy all northwestern Montana. Attractants often bring wildlife into conflict with people, possibly resulting in the death of the animal, damage to property, or endangering people living in the area. Future homeowners need to be aware that FWP cannot respond to all wildlife conflicts, and it is part of the homeowner's responsibility to avoid such problems. The following recommendations will help minimize conflicts. [See comment letter for recommendations]

FWP's Fish and Wildlife Recommendations for Subdivision Development in Montana (link above) provides additional suggestions for ways to minimize wildlife/human conflicts, including conflicts with bears.

"Wetland and Water Quality Protection:

"To project water quality FWP recommends the following vegetated buffers and setbacks:

- a. *“Perennial Streams (Stoner Creek): There should be a minimum of 150-foot vegetated buffer plus an additional 50-foot building setback. Total building setback should be at least 200 feet from each side of the waterway. The proposed 30-ft buffer around Stoner Creek is insufficient to protect water quality and aquatic life given the stream’s proximity to the proposed golf course and associated fertilizer amendments and herbicide applications required even under the most stringent Best Management Practices (BMPs) for turf maintenance.*
- b. *“Wetlands and Waterbodies: A minimum of 100 feet of vegetated buffer plus additional 30-foot building setback should be maintained. Total building setback should be at least 130 feet from the boundary of a wetland or waterbody.*

“Vegetated buffers should exclude all development, including buildings, roads, and trails.

Helpful Literature

“Additional recommendations to prevent and reduce wildlife conflict are available on FWP’s website (<https://fwp.mt.gov/conservation/living-with-wildlife>). FWP recommends Flathead Friends, LLC review these documents and incorporate recommendations into the covenants for the subdivision. These documents should also be provided to anyone who purchases property. [...]” Letter received June 17, 2025.

- U.S. Army Corps of Engineers, Omaha District
 - Comment: *“[...] The purpose of this letter is to inform you that based on the information provided in your submittal, we are unable to ascertain if regulated activities are proposed or if jurisdictional waters of the U.S. are present within the project area. A Department of the Army (DA) permit may be required for the proposed activity. In lieu of a specific response, please consider the following general information concerning our regulatory program that may apply to the proposed project.*

“If the proposal involves activity in navigable waters of the United States, it may be subject to the U.S. Army Corps of Engineers (USACE) jurisdiction under Section 10 of the Rivers and Harbors Act of 1899 (RHA). Within the state of Montana, portions of the Kootenai River, the Missouri River, and the Yellowstone River¹ are considered a navigable water of the U.S. Section 10 prohibits the construction, excavation, or deposition of materials in, over, or under navigable waters of the United States unless the work has been authorized by a DA permit. Structures or work outside the limits defined for navigable waters of the United States require a Section 10 permit if the structure or work affects the course, location, or condition of the water body. The law applies to any dredging or disposal of dredged materials, excavation, filling, rechannelization, or any other modification of a navigable water of the United States, and applies to all structures, from

the smallest floating dock to the largest commercial undertaking.

"If the proposal involves a discharge of dredged or fill material into waters of the United States, it may be subject to USACE jurisdiction under Section 404 of the Clean Water Act (CWA). Discharges of fill material generally include, without limitation: placement of fill that is necessary for the construction of any structure, or impoundment requiring rock, sand, dirt, or other material for its construction; site-development fills for recreational, industrial, commercial, residential, and other uses; causeways or road fills; dams and dikes; property protection or reclamation devices such as riprap, weirs, bulkheads, and revetments; levees or berms; fill for intake and outfall pipes and trenched utility lines; fill associated with the creation of ponds; and any other work involving the discharge of fill or dredged material. A DA permit is required whether the work is permanent or temporary. Waters of the U.S. include the area below the ordinary high water mark of stream channels, lakes or ponds connected to the tributary system, and wetlands adjacent to these waters (33 CFR § 328.3). Other waters and wetlands, as well as man-made channels, may be waters of the U.S. in certain circumstances, which must be determined on a case-by-case basis. CWA Section 301(a) prohibits discharges of dredged or fill material into waters of the United States unless the work has been authorized by a Department of the Army permit under Section 404. Information about the USACE permitting process can be obtained online at [...]

"Note that this letter is not a DA authorization to proceed. It only informs you of the need to obtain a DA permit if waters of the U.S. will be affected. If the final design includes the placement of fill material in any jurisdictional area described above, or otherwise requires authorization by a DA permit, please submit a Montana Joint Permit Application to this office prior to starting any work. After a review of the materials submitted, we will determine what type of permit, if any, will be required. If waters of the U.S. will not be affected by a jurisdictional activity a DA permit will not be required for the project. [...]" Letter received May 22, 2025.

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 June 17, 2025, a legal notice was published in the Daily Interlake on June 22, 2025, and notice of the proposal and a public hearing was physically posted onsite on June 24, 2025.

As of the date of the completion of this staff report, numerous written public comments have been received regarding the proposal. Concerns addressed in the public comments were primarily regarding emergency egress in the event of a wildfire, access from Highway 93 for Legacy Bike Park, and a wolverine sighting near the subject property. Any written comments received following the completion of this

report will be provided to members of the Planning Board and Board of Commissioners and summarized during the public 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 in Section 76-3-608(3) MCA and the review procedure outlined in Section 4.1 of the Flathead County Subdivision Regulations (FCSR), effective October 10, 2023.

1. Geology

a. Surface Water (Streams, Wetlands, Floodplain, etc.)

i. Streams

The National Wetlands Inventory (NWI) Wetlands Mapper and USGS National Hydrography Dataset show several streams across the subject property. Section 4.7.11 FCSR states, *“In order to protect the integrity and function of riparian areas in subdivisions, the Commission shall require vegetative buffers and riparian resource management plans for the protection and maintenance of stream corridor riparian areas in all subdivisions which contain or are contiguous to perennial or intermittent streams, creeks or rivers.”*

A Riparian Resource Management Plan was submitted with the preliminary plat application, which is required when subdivisions contain perennial or intermittent streams, creeks, or rivers, pursuant to Section 4.7.11(b) FCSR. An Aquatic Resource Delineation completed by Power Engineers was also submitted with the application, which discusses both surface water and wetlands on the subject property. The Delineation was completed to identify aquatic resources and to delineate the presence of any potential Waters of the United States (WOTUS) on the subject property. Out of the several streams shown on the NWI Mapper and USGS Hydrography Dataset, the Aquatic Resource Delineation concludes, *“Based on the results of a desktop analysis and field investigation for the approximate 1,700-acre Project area, a total of two waterways, two wetlands, and two ponds were surveyed and account for approximately 5,263 linear feet of waterway (1.00 acre of OHWM), 1.93 acres of wetlands habitat, and 1.30 acres of open waterbody. Both WW-1 and WL-1 were preliminarily determined to be jurisdictional based on a direct surface water connection to Stoner Creek and Flathead Lake. The remaining aquatic features delineated within the site were preliminarily determined to be non-jurisdictional based on a lack of observed surface water connection to downstream WOTUS. [...]”* An unnamed tributary (UT) of Stoner Creek, marked as Waterway 1 (WW-1) in the Aquatic Resource Delineation, is located on the very western portion of the property. Waterway 2 (WW-2) is described as, *“[...] a man-made, riprap storm drainage ditch that appears to receive intermittent hydrology from groundwater discharge just north of the airport hangar. [...]”* Two manmade ponds located along the airstrip are also

discussed; the report states neither pond has streams flowing in or out of them (see Figure 4).

Since the completion of the Delineation narrative on March 14, 2025, a Boundary Line Adjustment (Amended Plat of Lot 27 of Eagle Development Phase II, recorded June 16, 2025) has removed the entirety of P-2 and the majority of WW-2 from the boundaries of the proposed subdivision. However, the very southern portion of WW-2 extends into the subdivision and is found on Amenity Lot 104, to the east of the runway. Since WW-2 was determined to be an artificial waterway rather than an intermittent or perennial stream, the preliminary plat and Riparian Resource Management Plan only include a proposed vegetative buffer along WW-1.

Figure 4. Exhibit showing delineated aquatic resources

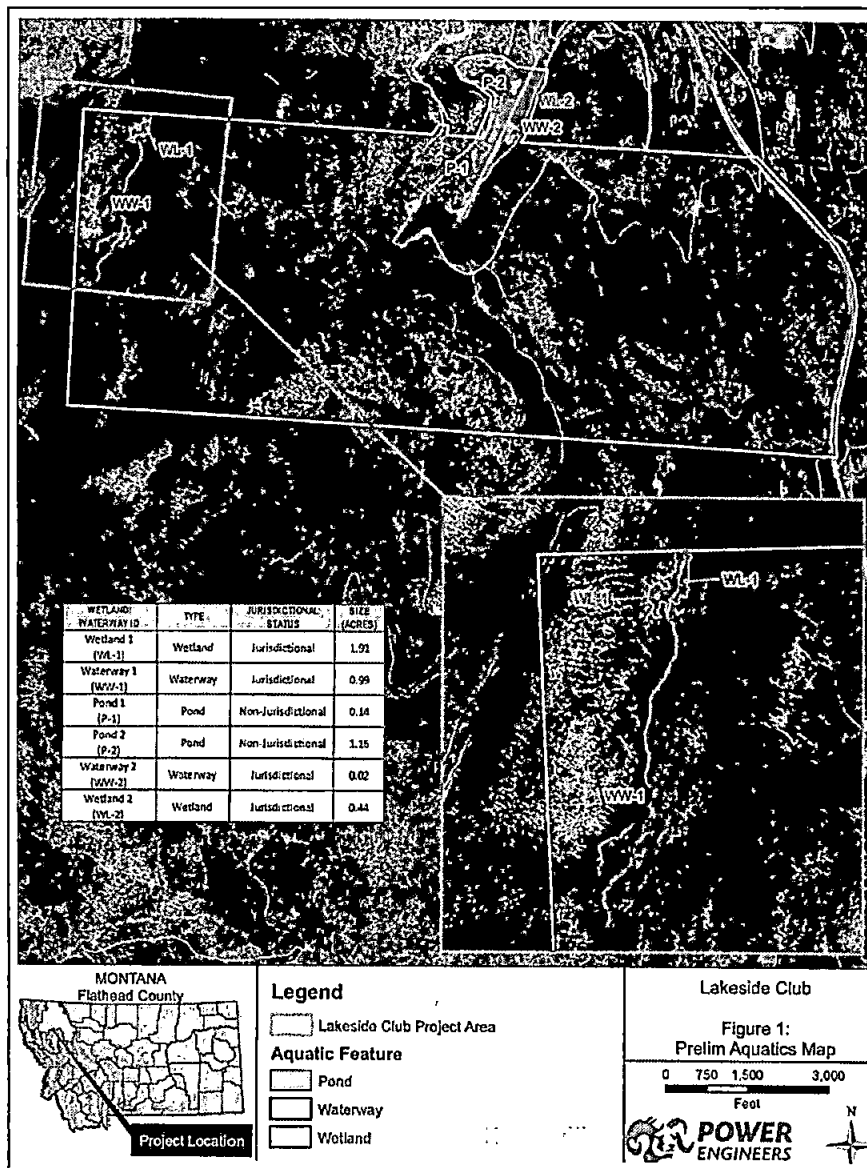
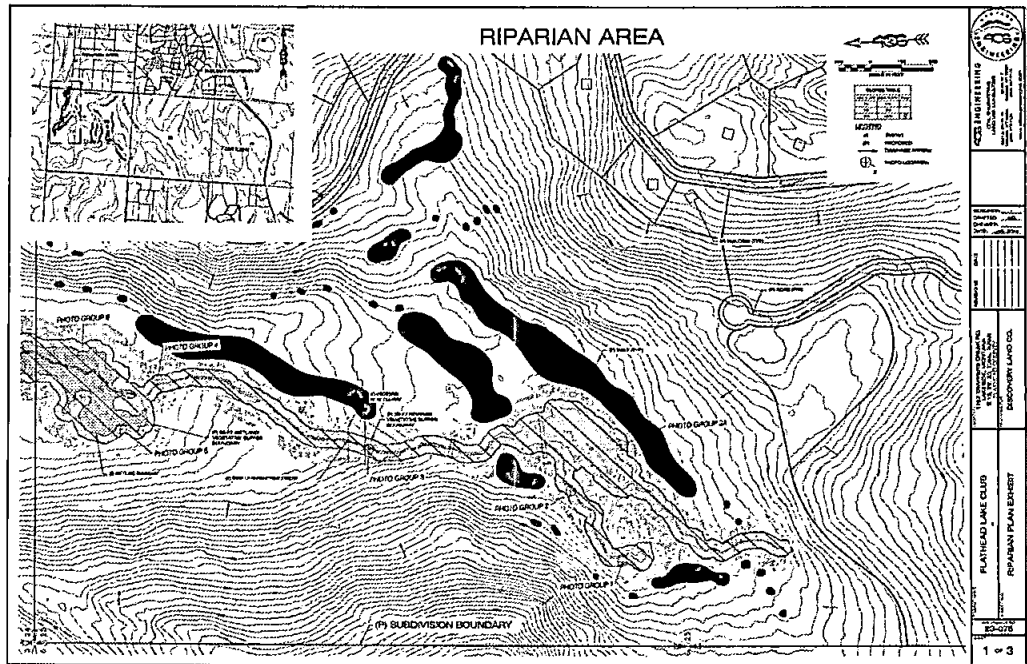


Figure 5. Riparian Plan Exhibit



The Riparian Resource Management Plan focuses on UT Stoner Creek and designates a 30-foot vegetative buffer surrounding the creek and the corresponding wetland, on the preliminary plat. The UT Stoner Creek and the wetland it flows into are located within the golf course area. The Riparian Plan states maintenance of the vegetative buffer will be limited to deadfall removal or fire fuel reduction work and activities allowed within the riparian zone as outlined in Section 4.7.11(c) FCSR. The Riparian Plan notes one proposed crossing of UT Stoner Creek for golf carts and pedestrians, however, the preliminary plat and Riparian Plan Exhibit each show three proposed crossings of the creek.

Section 4.7.11(c)(i) FCSR states, *"The following uses are allowed in a vegetative buffer and exempt from these Regulations, provided, if regulated, these uses are permitted under applicable local, state and/or federal regulations:*

- i. *Recreational structures such as docks, boat ramps, pathways or unimproved picnic areas. Pedestrian and bike trails may be allowed within the vegetated buffer areas, provided the proposed measures to protect water quality are deemed sufficient by the Commission; [...]"*

The golf cart/pedestrian path crossing would be an allowed use if the proposed measures to protect water quality in the Riparian Resource Management Plan are deemed sufficient by the County Commissioners, and upon approval of a 310 permit which is regulated by the Flathead Conservation District. The Flathead Conservation District, in addition to noting the necessity of a 310 permit for any work done to the stream or

adjacent land of UT Stoner Creek, also commented on the potential negative impacts to water quality of the creek as a result of increased stormwater runoff and pesticides and fertilizers used in maintenance of the golf course, and note that Stoner Creek helps maintain groundwater wells in the area.

Montana Fish, Wildlife & Parks (FWP) also provided comments on surface water resources found on the property. Per FWP comment, the proposed 30-foot vegetative buffer for UT Stoner Creek and associated wetlands is insufficient based on their proximity to the golf course, as golf courses typically utilize fertilizer, pesticides, and herbicides for maintenance. The comment indicates herbicides/pesticides could negatively impact aquatic species and other wildlife which utilize the water resources. FWP recommends a 150-foot vegetative buffer and an additional 50-foot building setback from UT Stoner Creek. FWP comment also discourages any development within the vegetative buffer which includes buildings, roads, and trails.

In order to mitigate impacts of the golf course to the stream, the Environmental Assessment (EA) states, *“An 18-hole golf course is proposed to be constructed during Phase 1 of this subdivision in the area in proximity to UT Stoner Creek with proposed stormwater management and natural vegetation to capture any potential pollutants from stormwater runoff into UT Stoner Creek and related wetlands. This golf course will be designed and operated as a permanent stormwater Best Management Practices (BMP). The golf course grading will be designed to control stormwater runoff within the course. The soil within the golf course area will have a high-void ratio to increase soil infiltration and evapo-transpiration. A healthy soil zone will be created to reduce or eliminate the need for pesticides. The outer edges of golf will be revegetated with natural grasses and the golf course construction will limit disturbance of natural vegetation as much as possible. As part of this subdivision, Golf Course Management Practices will be prepared as part of final site design activities.”*

Implementation and maintenance of the Riparian Resource Management Plan, acquiring a 310 permit for any proposed crossings of the creek, and designating the approved vegetative buffer as a ‘No Build Zone’ on the final plat, shall be required prior to final plat approval.

<p>Finding #1</p>	<p>Environmental impacts to the unnamed tributary of Stoner Creek are expected to be minimal because the vegetative buffer and building setback to wetlands are proposed in accordance with the recommended guidelines of Montana Fish, Wildlife & Parks. Vegetative buffers to the intermittent stream of UT Stoner Creek are proposed in accordance with the NRCS and USDA Field Office Technical Guide MT (Code 391 – Riparian Forest Buffers, September 2022). (Conditions 19, 20)</p>
<p>Finding #2</p>	<p>An approved Riparian Resource Management Plan shall be required prior to final plat approval, any work conducted in or near the unnamed tributary of</p>

	Stoner Creek would require a 310 permit from the Flathead Conservation District, and the vegetative buffer shall be designated as a 'No Build Zone' on the final plat. (Conditions 19, 20)
References	Section 4.7.11 FCSR; Flathead County IMA; NWI Wetlands Mapper; Environmental Assessment (EA), pp. 2-4; Lakeside Club - Aquatic Resource Delineation, Power Engineers; Preliminary Plat Flathead Lake Club; Montana Fish, Wildlife & Parks Comment, 6.7.25

ii. Wetlands

The National Wetlands Inventory (NWI) Wetlands Mapper identifies areas of 'Riverine' across the subject property. Section 4.7.10(C) FCSR states, "A wetland delineation may be required as a part of the preliminary plat submittal. However, where wetlands extent is apparent and protective measures such as building setbacks and/or 'No Build Zones' are proposed and deemed sufficient, formal wetland delineation may not be required."

As previously mentioned, an Aquatic Resource Delineation was submitted with the preliminary plat application. The Delineation, completed by Power Engineers, identifies aquatic resources and the presence of any potential Waters of the United States (WOTUS) on the subject property, in conformance with the United States Army Corp of Engineers (USACE) Wetlands Delineation Manual pursuant to Section 4.7.10(a) FCSR. The Delineation identifies two wetlands on the property, identified as WL-1 (Wetland 1) and WL-2 (Wetland 2) on shown on Figure 4.

The Delineation states, "Wetland WL-1 is located directly along WW-1 at the northern boundary of the Project area and accounts for approximately 1.91 acre of palustrine forested and emergent wetland habitat. [...] WL-1 was preliminarily determined to be jurisdictional based on an observed direct hydrologic connection to WW-1 and eventually Flathead Lake." Regarding the second wetland the Delineation states, "Wetland WL-2 is located within an excavated swale adjacent to the airport runway and is hydrologically supported by surface water from WW-2 and additional groundwater discharge. [...] WL-2 was preliminarily determined to be non-jurisdictional based on a lack of direct surface water connection to downstream WOTUS." The Delineation notes, "[...] the USACE Regulatory Branch – Omaha District maintains final decision making authority regarding the jurisdictional status of all surface water features for projects located within its district boundaries and may require an on-site inspection."

Since the completion of the Delineation narrative on March 14, 2025, a Boundary Line Adjustment (Amended Plat of Lot 27 of Eagle Development Phase II, recorded June 16, 2025) has removed the entirety of WL-2 from the boundaries of the proposed subdivision.

The wetland (WL-1) in the northwest corner of the subject property which UT Stoner Creek flows into, is shown surrounded by a proposed 30-foot vegetative buffer on the preliminary plat.

As previously stated, comment received from FWP indicates the proposed 30-foot vegetative buffer surrounding the wetland is insufficient to protect the wetlands, aquatic life and other wildlife that use the wetland and instead, FWP encourages a 100-foot vegetative buffer and an additional 30-foot building setback from the wetland.

Comment received from the U.S. Army Corps of Engineers regarding the proposal states, *“The purpose of this letter is to inform you that based on the information provided in your submittal, we are unable to ascertain if regulated activities are proposed or if jurisdictional waters of the U.S. are present within the project area. A Department of the Army (DA) permit may be required for the proposed activity. In lieu of a specific response, please consider the following general information concerning our regulatory program that may apply to the proposed project. [...]”*

A wetland delineation approved by the U.S. Army Corps of Engineers and any applicable permitting will be required prior to final plat approval and all delineated wetlands will be required to be shown as a ‘No Build Zone’ on the face of the final plat.

Finding #3	The developer has provided a Riparian Resource Management Plan that proposes a 100-foot vegetative buffer and additional 30-foot building offset from wetlands. Based on comment received from Montana Fish, Wildlife & Parks, the proposed mitigation measures are adequate to protect environmentally sensitive areas within the wetlands. (Condition 21)
Finding #4	The Aquatic Resource Delineation submitted within the Preliminary Plat Application meets the requirements of Subdivision Regulations 4.7.10, and the wetlands and buffer shall be designated as a ‘No Build Zone’ on the final plat. (Condition 21)
References	Section 4.7.10 FCSR; Flathead County IMA; NWI Wetlands Mapper; EA, pp. 2-4; Lakeside Club - Aquatic Resource Delineation, Power Engineers; Preliminary Plat Flathead Lake Club; Montana Fish, Wildlife & Parks Comment, 6.7.25

iii. Floodplain

The subject property is associated with two FEMA FIRM Panels. The majority of the property is covered by FEMA FIRM Panel 30029C2725J, effective November 14, 2015, and is mapped as unshaded Zone X. The unshaded Zone X is defined as areas outside of the 0.2% annual chance flood hazard area. The very western portion of the property falls under FEMA FIRM Panel 30029C2700G, effective September 28, 2007. This map is designated as ‘Not Printed’, meaning the area has not been studied and is therefore classified as Zone D.

Finding #5	Impacts to the floodplain as a result of the proposed subdivision are expected to be minimal as the subject property does not contain any Special Flood Hazard Areas. (No Applicable Conditions)
References	Section 4.7.9 FCSR; Flathead County IMA; FEMA FIRM Panel 30029C2700G & 30029C2725J; EA, p. 2

b. Geology/Soils

The subject property has various constraints to development, including rock outcroppings, steep slopes and mountainous terrain. Section 4.7.5(c) FCSR states, *“Land division activities in areas subject to hazardous conditions such as landslides, rock falls, possible subsidence, shallow water table of four feet or less, open quarries, floods and polluted or non-potable water supply shall be strongly discouraged or prohibited.”* and Section 4.7.4(d) FCSR states, *“No-Build Zones and/or Building Envelopes may be used as a means of mitigation on areas where hazards and/or sensitive environmental features exist.”*

Due to the mountainous topography and site constraints, a ‘Preliminary Geologic Hazards and Geotechnical Engineering Report, Phase 1 for Lakeside, Montana Development’ conducted by Langan Engineering and Environmental Services, LLC., submitted with the application, discusses the geology, topography, and soils of the subject property.

The general topography of the property is stated as, *“According to our review of LiDAR data, the topography within the Site consists of shallow (less than 15% grades) to steep (greater than 30% grades), which form ridges and valleys that trend northwest-southeast. Existing ground elevations vary from approximately 3,120 feet in the northeastern portion of the Site to approximately 4,550 feet in the southwestern portion of the Site.”*

Using methods such as onsite boring and Optical Televiewer (OTV) logging, seismic refraction surveys, software modeling, LiDAR, geologic maps and historical data, the report identifies the following hazards found on the subject property: faults and seismicity, slope instability, rockfall, and steep slopes; and provides recommendations to mitigate the listed hazards. The report indicates additional research will be required prior to final plat approval regarding individual building site locations on steep slopes and the setbacks for structures in relation to the identified lineaments and whether those lineaments are found to be active or inactive. In-depth explanations on methods, hazards, and recommendations are found within the report.

The EA summarizes how the identified hazards from the Langan report will be mitigated and indicates that the Langan recommendations will be followed as development progresses. Regarding faults and seismicity, the developer will conduct additional fault investigations to determine the presence of active faults onsite, and based on the investigation, will issue structural setbacks from four identified lineaments. Slope instability will be mitigated through temporary and permanent erosion control, with highly unstable slopes

mitigated through methods such as turf reinforcement matting, geocellular confinement, and riprap armoring. Rockfall is proposed to be mitigated through avoidance and protection; where it cannot be avoided, protection will be provided by roadside ditches at widths and depths designed by a geotechnical engineer. There are building pads located within areas designated as 'Rockfall' on the preliminary plat, specifically lots: HE 20, HE 21, and NE 21, all other lots appear to avoid rockfall areas. Lastly, steep slopes are proposed to be mitigated through methods such as reinforced soil slopes, mechanically reinforced wire mesh slopes, and soil nail walls. All geologic hazard mitigations will be completed with the guidance of geotechnical engineers.

The preliminary plat shows the topography of the site using ten-foot contours and identifies certain hazards such as areas of rockfall and the four lineaments identified by the report. Pursuant to Section 4.7.7(d-e) FCSR, 40' x 40' building pads have been shown on the preliminary plat, and a selection of driveway profiles has been provided with the application. The driveway profiles show contours at a two-foot interval. In addition, cut-and-fill exhibits were provided to show the anticipated grading work required for the network of internal subdivision roads.

Slopes exceeding 25% have been designated on two separate exhibits, a 'Slope Map' provided by Langan and a 'Building Envelope Slope Analysis' provided by Kimley Horn. Section 4.7.7(d) FCSR requires, *"Any building pad on slopes between 25 and 40 percent in cross slope shall be required to undergo a geotechnical soils analysis conducted by a licensed professional engineer prior to final plat approval. The soils analysis must demonstrate that development of this lot would pose no significant geological hazards to either this lot or neighboring properties."* It shall be conditioned that every building pad located on slopes between 25 and 40 percent in cross slope or within areas designated as 'rockfall' shall require a geo-technical soils analysis by a licensed engineer prior to final plat approval.

Regarding soils, the EA states, *"There are no unusual soil types within the project site. According to NRCS Web Soil Survey the project site consists mostly of kingspoint gravelly silt loam, foyslake gravelly silt loam, ashlelake cobbly ashy silt loam, ashlelake rock outcrop complex, and kingspoint rock outcrop complex. These soil types generally consist of very gravelly silt loam, very cobbly silt loam, and a shallow bedrock. The attached item "c.2.b" geotechnical engineering report states that the site mostly consists of alluvial deposits, glacial deposits, and Helena formation bedrock. Alluvial deposits generally consist of clay and silt with varying amounts of sand and gravel. Glacial deposits generally consist of clay and silt with abundant sand, gravel, cobbles, and boulders up to 8 feet in diameter. The Helena Formation bedrock was found across the project area at depths ranging from 5.5 to 82 feet below ground surface. [...]"* The EA indicates Foyslake gravelly silt loam is a hydric soil that limits sanitary facilities; however, the proposal will not include onsite wastewater treatment

systems as it will be served by the Lakeside County Water and Sewer District (LCWSD).

The EA continues, “[...] *The subsurface conditions generally consist of stiff to hard unsaturated fine-grained soils, dense to very dense coarse-grained soils, and hard limestone. Generally, these subsurface conditions yield high bearing capacity and generate acceptable settlement under building loads. Negligible heave is estimated to occur at the site; therefore, expansive soils are not expected to impact development. Site soils are generally expected to be suitable for reuse as engineered fill following the preliminary recommendations in the item “c.2.b” Preliminary Geologic Hazards and Geotechnical Report.*”

Finding #6	Based on the submitted Preliminary Geotechnical Engineering Report, hazards due to faults and seismicity, slope instability, rockfall, and steep slopes exist on the subject property. Further analysis prior to final plat approval conducted by licensed geotechnical engineers shall be required to ensure building sites are located appropriately and danger to life and property is properly mitigated. (Conditions 22, 23, 24)
Finding #7	The soil types on the subject property appear suitable for development as the Environmental Assessment and Preliminary Geotechnical Engineering Report did not identify any soils constraints. (No Applicable Conditions)
References	Preliminary Geologic Hazards and Geotechnical Engineering Report – Phase 1 for Lakeside Development, Langan Engineering and Environmental Services, LLC., 10.11.24; EA p. 5-9; Preliminary Plat of Flathead Lake Club

2. Flora/Fauna

a. Vegetation

The Montana Natural Heritage Program (MNHP) report identifies zero plant species of concern with documented occurrences in the sections, townships, and ranges of the proposed subdivision. Based on a ‘Wildlife Assessment’ completed by Power Engineers, using data gathered from the MNHP, the property contains vegetation and land cover including, “[...] *aspen, mixed conifer forest, Northern Rocky Mountain lower montane riparian woodland and shrubland, montane-foothill deciduous shrubland, mesic and dry-mesic montane mixed conifer forest, lower montane foothill and valley grassland, harvested forest-tree regeneration, and developed open space around the airfield.*”

The prevention of noxious weeds is particularly important with regard to construction and development. Pursuant to Section 4.7.25 FCSR, an approved Weed Control Plan, applicable to all lots, will be required as a condition of final plat approval.

Finding #8	Impacts to vegetation are not anticipated as there are no plant species of concern in the vicinity of the proposed subdivision, and the applicant will be required to provide an approved Weed Control Plan prior to final plat approval. (Conditions 4, 11)
References	Section 4.7.25 FCSR; Montana Natural Heritage Program; EA, p. 9; Wildlife Assessment, Power Engineers, 2.29.24

b. Wildlife/Wildlife Habitat

The subject property is largely undeveloped and bordered by public lands to the west and southwest, as well as low-density, large-lot residential properties, and a State highway. The developer is proposing approximately 864 acres of open space (including the golf course areas) spread throughout the subdivision. The EA notes the subdivision was designed to include wildlife corridors and provide for habitat connectivity and indicates that out of the 1,700 acres, only approximately 230 acres would consist of disturbed terrain (structures and roads). As previously mentioned, the developer is proposing a 30-foot vegetative buffer along UT Stoner Creek and the associated wetland in order to protect environmentally sensitive habitat found in the riparian area.

As previously mentioned, a 'Wildlife Assessment' completed by Power Engineers was submitted with the application. The Assessment contains information on the existing wildlife and wildlife habitat, discusses potential direct and indirect impacts to wildlife and habitat as a result of the proposal, and outlines avoidance and minimization measures. The report includes a list of sensitive species and states, *"Sensitive species addressed in this wildlife assessment report include species protected under the Endangered Species Act (ESA), Bald and Golden Eagle Protection Act (BGEPA), and species identified by MNHP as Species of Concern (SOC) within the vicinity of the Project area. The United States Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC) report for the Project area includes ESA-listed (threatened, endangered, proposed) species having potential to occur within the general vicinity (one-mile buffer) of the Project area."*

The identified sensitive species and their habitat as found in the Wildlife Assessment are listed below:

Common Name	Habitat
Bald Eagle	Riparian and lacustrine habitats. Typically, close to larger water bodies with fish populations.
Cassin's Finch	Occur in every major forest type and timber-harvest regime in Montana.
Evening Grosbeak	Breeds in mixed coniferous and spruce-fir forest of western Montana. Winter habitat includes coniferous forest as well as urban and suburban areas statewide.
Pileated Woodpecker	Late successional stages of coniferous forest with large dead trees.

Brown Creeper	Prefers mature and old-growth coniferous and mixed coniferous-deciduous forests.
Varied Thrush	Shrubsteppe habitats dominated by sagebrush.
Canada Lynx	Subalpine forests of lodgepole pine, mixed stands of subalpine fir, Douglas fir, grand fir, western larch, and hardwood.
Grizzly Bear	Habitat generalist highly variable by season. Meadows, seeps, riparian zones, timber, mixed-shrub fields, sidehill parks, snow chutes, and alpine slabrock.
North American Wolverine	Alpine tundra and boreal and mountain forest.
Fisher	Dense coniferous or mixed forest with a dense understory of young conifers, shrubs, and herbaceous cover.
Little Brown Myotis	Variety of habitats. Summer roosts include attics, barns, bridges, snags, loose bark, and bat houses. Hibernacula include caves and mines.
Western Skink	Open conifer forest and adjacent grassland
Northern Alligator Lizard	Talus slopes/rock outcrops
Westslope Cutthroat Trout	Mountain streams, rivers, lakes
Bull Trout	Mountain streams, rivers, lakes
Pygmy Whitefish	Deep mountain lakes and tributaries

The Wildlife Assessment discusses where the sensitive species in the table above have been documented in relation to the proposal and indicates that no documented observations have occurred on the property. The report discusses direct impacts of the proposal, stating, *“The proposed Project [...] will directly reduce the quantity and quality of existing habitat within the Project area by increasing fragmentation of the landscape and creating structural barriers to animal movement. Increased human activity and structures will increase the potential for wildlife collisions with vehicles and building windows (migratory birds). Species sensitive to human presence may be displaced from the Project area into adjacent habitats during and following Project development. Foraging habitat for carnivores may be impacted by potential decreased prey habitat. Construction of the golf course along UT Stoner Creek may result in adverse effects to existing aquatic habitat. UT Stoner Creek is generally characterized by intermittent hydrology with pool/drops and discontinuous surface water along its upper reach and exhibiting perennial hydrology along the lower extent of this waterway near the northern Project boundary. This stream did not appear to support fish habitat when the aquatic survey was completed. Aquatic macroinvertebrates and other lower trophic*

organisms within this waterway may be displaced and result in lower food sources for amphibians and downstream consumers. Based on the proposed site plan, a handful of steep slopes will be preserved as a refugium for wildlife accustomed to steep mountainous terrain." The report also notes indirect impacts such as decreased habitat quality beyond the boundaries of the proposal and an increase in potential pet-wildlife conflicts. Proposed mitigation measures include, but are not limited to, allowing native vegetation to remain, adhering to Best Management Practices (BMP), and incorporating FWP's recommendations for subdivision development.

Comment received from FWP highlights the significant negative impact the proposal will have on wildlife and wildlife habitat within the boundaries of the subject property, but also the cumulative effects for areas outside of and surrounding the property. The comment states, "*While the applicant proposes to mitigate wildlife impacts through protection of 864-acres of open space, the wildlife value of these acres is low due to the uses proposed by the developer, including a golf course, recreation facilities, and "additional amenities."* Furthermore, much of this proposed open space is small, often associated with steep unbuildable terrain, isolated from contiguous habitat and interspersed among a heavily developed landscape. [...]" In addition, the comment emphasizes the importance of the property as winter range for elk, mule deer, white-tailed deer and black bears, as well as the importance of the property providing habitat for carnivores, birds, and other medium and small sized mammals, and notes the presence of collared grizzly bears and an observed wolverine in the area. The comment indicates that an increase in human activity will result in domestic pet disturbance of wildlife, and as previously noted in the water resources sections of this report, notes the potential for contamination of Stoner Creek and its wetlands from fertilizers, chemicals, and other pollutant runoff as a result of the golf course. The comment concludes with recommendations and methods for reducing human-wildlife conflicts and outlines subdivision design guidelines which would provide for better wildlife movement than what is proposed by the developer.

Finding #9	Impacts to wildlife and wildlife habitat on the subject property and the surrounding area are anticipated due to the scale of the proposed subdivision which could result in a significant loss of wildlife habitat, create habitat fragmentation and barriers to movement for wildlife including the loss of winter range for certain ungulates and black bears, and increase human-wildlife conflicts, however, impacts can be mitigated to the extent possible and to prevent unnecessary environmental degradation by: set aside of Open Space; maintaining native vegetation wherever possible; incorporation of development restrictions and Living with Wildlife provisions within homeowners' association documents; inclusion of vegetative buffers and building setbacks from wetlands and streams; implementation of stormwater BMPs to control sedimentation and excess runoff. (Conditions 4, 5, 6, 13, 19, 20, 32, 33)
References	Sections 4.0.1, 4.7.3 FCSR; Montana Natural Heritage Program; Montana Fish, Wildlife & Parks Comment, 6.7.25; EA, pp. 9-13; Wildlife Assessment, Power Engineers, 2.29.24

3. Impacts on Agriculture

a. Agriculture, Timber Production, and Water User Facilities

According to the EA, the subject property is not currently in agricultural production but has historically produced timber. The EA states, *"This property was logged by previous property owners, the Plum Creek Timber Company, and records of past production are not available. According to the Montana Department of Revenue the site is classified as forest land with a production capacity of 45-65 cubic feet per acre per year. The history of any other agricultural production is unknown. In review of aerial photos from Google Earth and county septic permit records, this property has not been used for other agricultural production since at least since 1985 (last Google Earth Imagery available)."* The proposed subdivision would not allow for the continued production of timber for commercial purposes.

Given the mountainous terrain in this area of the County, many of the surrounding properties are not used for agriculture and do not appear to be dependent on the subject property for continued agricultural use. The EA states, *"There are no known agricultural water user facilities including agricultural water works, wells, canals, irrigation ditches, and pump houses on the property or adjacent to the proposed subdivision."*

Based on NRCS Web Soils data, the property contains four soils suited to agriculture. Kingspoint gravelly silt loam, 0-4% (71D) is classified as 'prime farmland if irrigated', Ashleylake-Foyslake-Kila complex, 0-15% (831D) is classified as 'farmland of statewide importance', and both Kingspoint gravelly loam, 15-30%, lake effect (1071E) and Foyslake gravelly silt loam, 15-30%, lake effect (1081E) are considered 'farmland of unique importance'. These four soils are found in smaller areas across the subdivision, but combined

make up for less than 15% of the overall soil composition. The remainder of the soils are not considered prime farmland.

Finding #10	There would be minimal impact on agriculture as a result of the proposed subdivision because the property has historically been used as timber corporate land, there are no agricultural water user facilities onsite and adjacent properties are not dependent upon the subject property for continued agricultural use. (No Applicable Conditions)
References	NRCS Web Soil Survey; EA, pp. 13-14

4. Public Health and Safety

a. Water and Wastewater Services

The proposed subdivision would be served by the Lakeside County Water & Sewer District (LCWSD) upon completion of each phase for water supply and wastewater services. A signed 'Wastewater and Water Service Agreement' between the developer and LCWSD was submitted with the preliminary plat application. The Agreement indicates LCWSD currently has wastewater treatment capacity to serve Phase 1 of the subdivision for 100 homes or equivalent dwelling units (EDUs). However, to serve the remaining four phases for wastewater treatment for a total of 400 EDUs, the LCWSD system will require substantial infrastructure improvements. The Agreement includes the criteria required for each phase's infrastructure improvements, the financial costs, and the distribution of those costs between the developer and the LCWSD, and outlines the timeline associated with the expansion of the water and sewer district to be able to incorporate the proposed subdivision. A section of the Agreement terminates the existing Eagle's Crest Wastewater Treatment Agreement with LCWSD established in 2006, set with a 20-year term, as it includes portions of the property included within the subdivision. In addition to the Agreement, a phasing plan visually showing the expansion of the water and sewer infrastructure was submitted with the application. A letter from LCWSD stating that the water supply and sewage treatment system improvements meet the District's requirements shall be submitted with the application for final plat of each phase.

Regarding water the EA indicates, *"It is agreed that the developer will design, permit, and install the required infrastructure based on LCWSD and DEQ processes. It is anticipated that this process will be required for each individual phase. Upon final installation and acceptance by LCWSD for each phase, each respective portion of the overall system will become the property and responsibility of LCWSD for administration and maintenance purposes."* The onsite water system to be turned over and operated by the LCWSD is described in the EA as, *"[...] a multi-zone public water system with two independent groundwater well sources and storage tank systems. [...]"*

Comment received from the Flathead City-County Health Department states, *"The proposed plat is subject to review under Title 76-4 Part 1, Sanitation in Subdivision, MCA. This review will address water supply, wastewater, storm*

water drainage and solid waste disposal. Unless an appropriate exemption is claimed."

The proposed connections to public water and wastewater systems will be required to comply with Montana Department of Environmental Quality standards, LCWSD, and the Flathead City-County Health Department prior to final plat approval of each phase.

The application indicates there are currently no water rights associated with the property. A Groundwater Permit Technical Analyses Report from the Department of Natural Resources and Conservation (DNRC) was submitted with the preliminary plat application. The submitted DNRC Report is part of DNRC's initial review and does not constitute the issuance of a water right. As of the writing of this report, review is still ongoing. Pursuant to Section 4.7.20(b) FCSR, *"The Commission shall require proof that an applicable water right 'provisional permit' has been issued by the Montana Department of Natural Resources and Conservation (DNRC) for a multi-user water system at the time of final plat review."* Since ownership of the water system will eventually be given to the LCWSD, the District shall acquire the water rights.

<p>Finding #11</p>	<p>Impacts to water and wastewater systems appear to be acceptable as the proposed subdivision would be served by the Lakeside County Water & Sewer District, a signed Wastewater and Water Service Agreement between the District and the developer was provided with the application which outlines procedures, costs, and timelines for the expansion of the District's infrastructure, the District will take ownership of the onsite water systems upon completion of each phase and acquire the water rights therefore, and the Agreement states the Lakeside County Water & Sewer District has wastewater treatment capacity for the proposal's first phase. The water and wastewater facilities would be required to be reviewed and approved by the Flathead City-County Health Department, the Montana Department of Environmental Quality, and installed in accordance with the requirements of the Lakeside County Water & Sewer District, prior to final plat approval of each phase. (Conditions 6, 25)</p>
<p>References</p>	<p>Sections 4.7.20 & 4.7.21 FCSR; EA, pp. 17-20; Wastewater and Water Service Agreement between Lakeside County Water & Sewer District and Flathead Friends, LLC.; Department of Natural Resources and Conservation, Groundwater Permit Technical Analyses Report – Application No. 76LJ 30163288; Information on Disposition of Water Rights; Flathead City-County Health Department Comment, 5.27.25</p>

b. Storm Water Drainage

The EA states, *"The methods used to mitigate storm water generated from impervious surfaces will include construction of lawn and landscaping, retention facilities, detention facilities, and diversion of stormwater from impervious surfaces to undisturbed areas."* A Draft Master Drainage Study prepared by Kimley Horn was submitted with the preliminary plat application in

conformance with Section 4.7.13 FCSR. The Drainage Study analyzes runoff in five different watershed basins found on the subject property. Proposed detention facilities will consist of, “[...] *above ground detention basins, underground detention facilities, natural draw step pools, and roadside swale step pools.*” The proposal will require the submittal of a Storm Water Pollution Prevention Plan (SWPPP) and a General Construction Permit from MDEQ for onsite construction. The stormwater management plan will be required to be reviewed and approved by MDEQ for compliance with state standards prior to final plat approval.

<p>Finding #12</p>	<p>Impacts from stormwater runoff appear to be acceptable because stormwater generated by impervious surfaces within the proposed subdivision will be accommodated via on-site detention facilities, and the proposed stormwater management plan will require review and approval through the Flathead City-County Health Department and the Montana Department of Environmental Quality. (Conditions 6, 13)</p>
<p>References</p>	<p>Section 4.7.13 FCSR; Flathead Lake Club Draft Master Drainage Study, Kimley Horn, October 2024; EA, pp. 20</p>

c. Solid Waste Disposal

Section 4.7.22 FCSR states, “*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 Environmental Quality.*” The developer is proposing contract haul as a mechanism for solid waste disposal as requested of all subdivisions by the Flathead County Solid Waste District. Comment received from the Flathead County Solid Waste District noted that Evergreen Disposal is the Public Service Commission (PSC) licensed hauler responsible for solid waste disposal in this area. Prior to final plat approval, the developer will be required to provide a will-serve letter from the licensed contract hauler.

<p>Finding #13</p>	<p>Impacts on solid waste disposal would be acceptable with standard conditions because the subdivision would utilize contract haul services for solid waste disposal. (Conditions 8, 11)</p>
<p>References</p>	<p>Section 4.7.22 FCSR; Major Subdivision Preliminary Plat Application, p. 2, Flathead Solid Waste District Comment, 5.20.25</p>

d. Impact of Noise

The subdivision, given the proposed number of lots, challenging topographic conditions which may require blasting of rock, and number of phases, may result in noise and vibration from construction activities spanning a number of years which could impact the surrounding area. However, upon completion of all construction, no noise beyond what is typical of a residential area is anticipated. The proposed residential use is not anticipated to generate permanent continuous noise impacting area residents or wildlife.

e. Dust/Air Quality

Primary access to the subdivision would be from internal subdivision roads and Highway 93, roadways which are currently or will all be paved. The proposed subdivision would not generate any additional dust except during construction activities. The applicant has submitted a 'Dust Control Plan' compliant with Section 4.7.14 FCSR which addresses dust related to construction. The Dust Control Plan indicates dust mitigation techniques will include vehicle tracking pads, water and dust abatement palliatives, the sweeping of roadways on a daily basis, and reseeded of disturbed areas upon completion of construction. A note shall be required to be placed on the face of the final plat that requires the owners of all lots to abide by the guidelines set forth in the plan during and after site construction and development activities.

The Flathead City-County Health Department commented, *"This development is not located within the Kalispell Air Quality Control District but fugitive dust must be controlled during development. All proposed development must be in accordance with Flathead County Air Pollution Control Regulations (FCAPCR), Chapter VIII, Sub-Chapter 5."*

<p>Finding #14</p>	<p>Impacts as a result of noise are anticipated given the scale of the proposed development and construction activities which could span multiple years, however, upon completion of construction activities noise from residential development is not anticipated to extend beyond property lines. (No Applicable Conditions)</p>
<p>Finding #15</p>	<p>Impacts to air quality are anticipated to be minimal with the imposition of conditions because the primary access roads to the subdivision would be paved and a Dust Control Plan will be required to mitigate potential issues of dust during construction. (Conditions 9, 11)</p>
<p>References</p>	<p>Section 4.7.14 FCSR; Dust Control Plan; Flathead City-County Health Department Comment, 5.27.25</p>

5. Public Improvements

a. Access

i. Roads

Access to the proposed lots would be from a network of internal subdivision roads via two existing access points along Highway 93. No lots would directly access Highway 93. Highway 93, where it runs along the subject property, is a two-lane state-maintained highway within a right-of-way of varying widths.

The existing access near the northern property line, Legacy Park Way, will be repositioned slightly to the south to serve the subdivision. The existing access along the southern property line, Goldenview Lane, is a shared approach with several properties adjacent to the south. The subdivision will utilize the Goldenview Lane approach onto Highway 93, but the subdivision

would not utilize the remainder of Goldenview Lane. Section 4.7.15(a) FCSR states, *"The Commission may require a second primary access road or multiple primary access road(s) to a subdivision when the proposed subdivision generates more than 200 vehicle trips per day."* Additionally, *"The Commission may require multiple accesses or fire safety zones when deemed necessary to provide for public health, safety and protect against property loss"*, pursuant to Section 4.7.27(c)(ii) FCSR.

The proposed internal subdivision roads would be paved and constructed in accordance with the Flathead County Road and Bridge Department's 'Minimum Standards for Design and Construction Manual'. Cul-de-sacs and roundabouts placed along and at the end of the internal roads will allow for emergency vehicle turnaround. The Flathead County Road and Bridge Department commented, *"[...] Flathead County Road Dept. has had multiple meetings in the last year or so with the project engineer and planner. Discussions centered around the development meeting criteria in our Minimum Design Standards and also included the County Planning Staff and Fire Chief for the area to make sure they were amenable to the project plans. The engineers met our requests and discussed items, so we have no comments on the preliminary plat request as provided."*

The developer will be required to provide a road maintenance mechanism that requires each property owner to bear his or her pro-rata share for maintenance of the roads within the subdivision and integral access roads prior to final plat approval. The EA indicates, *"Flathead Lake Club Homeowners Association and related administrative personnel will operate and maintain the internal project infrastructure, including roadway system components, as a service to the residents of the development."*

Since the subdivision would generate over 400 Average Daily Trips (ADT), a Traffic Impact Study (TIS) prepared by a licensed engineer is required with the preliminary plat application, pursuant to Section 4.7.17(g)(i) FCSR. A TIS prepared by 406 Traffic & Transportation Consulting in January 2025 was submitted with the preliminary plat application. Section 4.7.17(c) FCSR states, *"Average Daily Trips (ADT) shall be calculated based on 10 vehicle trips per day per lot for single-family residential units."* The 359 residential lots would add approximately 3,590 ADT based on these calculations. However, the TIS highlights how traffic patterns generated by the proposal would be different from a commuter-based, year-round single-family residential subdivision. The TIS reasoning points to the seasonal and/or second home ownership and member-based aspect of the proposal, the remoteness and topography of the site, and the location of the golf course and the majority of the lots not being within easy reach of the highway.

According to the TIS, the proposed subdivision would generate 1,973 new daily vehicle trips at full build-out. The calculated daily trips were based on 400 recreational homes, 200 acres of Golf Course use, and 8 ancillary uses. The TIS discusses that the Institute of Transportation Engineers Trip

Generation Manual's 'Golf Course' code considers golf courses in 'general urban/suburban' locations. This differs from the proposal's golf course, as the onsite golf course could only be used by residents/club members; therefore, "To reflect that distinction, an internal capture rate of 50% was applied to golf course trips estimated using the ITE equations." Ancillary uses in the TIS are noted as, "The remaining trip generators on the site would be member amenities located in and near the "core village". Because the use of these amenities will be restricted to Club members, a more "bottom-up" approach was needed to estimate off-site trip generation behavior for these ancillary uses, which would consist of deliveries, maintenance, or service trips, and commute trips made by Club employees." A table from the TIS showing trip generation at full buildout is included below:

Figure 6. TIS Full Build Out Analysis

Period	Use: Units (X):	Rec. Home	Golf Course*	Other**	Combined, All Uses		
		(ITE 260) 400 Homes	(ITE 430) 200 Acres	(N/A) 8 Ancillary Uses	In	Out	Total
Daily	Equation/Rate	$\ln(T) = 0.94 \ln(X) + 1.64$	$T = 3.74 (X)$	$T = 20 (X)$			
	Trips (T)	1,439	374	160	987	987	1973
	Equation/Rate	$\ln(T) = 1.00 \ln(X) - 1.53$	$T = 0.19 (X)$	$T = 4 (X)$			
AM	Trips (T)	87	19	32			
	In/Out%	55% in, 45% out	74% in, 26% out	75% in, 25% out			
	In/Out Trips	48 in, 39 out	14 in, 5 out	24 in, 8 out	86	52	138
PM	Equation/Rate	$\ln(T) = 0.93 \ln(X) = 0.76$	$T = 0.28 (X)$	$T = 4 (X)$			
	Trips (T)	123	28	32			
	In/Out%	46% in, 54% out	34% in, 66% out	25% in, 75% out			
	In/Out Trips	57 in, 66 out	10 in, 18 out	8 in, 24 out	74	109	183

Source: Rates from ITE Trip Generation, 11th Edition

* For the Golf Course column, full ITE rates are shown but trip totals reflect the assumed 50% internal capture rate.

** Other/small uses were each assumed to generate 2 employee commute trips (inbound in the AM, out in the PM) and one in+out service or delivery trip, for a total of 4 trips, in each peak hour.

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The TIS predicts heavier usage of the northern approach, Legacy Park Way as opposed to Goldenview Lane, the southern approach, stating, "For new project trips, a direction orientation split of 80% north/20% south is assumed based on the existing volume patterns and the relative prominence of airports, key road connections, and population and commercial centers north and south of the project area, including potential club members who live permanently in communities south of Flathead County such as Missoula, Helena, and Butte."

Regarding crash data, the TIS states, "Information reported in this crash history analysis includes the total number of reported crashes, injuries, and fatalities, the crash frequency, crash rate, and severity index, and the types of collisions along US 93 from the Flathead County line to reference post 97.0. Crash data from the 5-year time frame between January 1, 2019 and December 31, 2023 were acquired from the MDT Crash Database. 2024 data were unavailable for analysis at the time of this writing." Based on the provided table below, vehicles colliding with wild animals resulted in the highest number of crashes.

Figure 7. TIS Crash Data Exhibit

Reported Crash Types and Severities				
Collision Type	Suspected Serious Injury	Suspected Minor Injury	Property Damage Only	Total
Wild animal	-	3	29	32
Fixed object	2	5	9	16
Rear end	1	1	4	6
Roll over	-	2	4	6
Sideswipe, same direction	-	-	2	2
Sideswipe, opposite direction	-	2	-	2
Not fixed object or debris	-	-	1	1
Other	-	-	1	1
Total reported crashes	3	13	50	66
Total number of fatalities				0
Total number of injuries				20
Crash Frequencies and Rates				
Crash Frequency (crashes/year)			13.2	
Annualized Average Daily Traffic			6,232	
Crash Rate (crashes per million vehicle-miles)			1.81	
Severity Index			1.48	

The TIS examines the following three intersections: Highway 93 and Legacy Park Way, Highway 93 and Goldenview Lane, and Highway 93 and Lutheran Camp Road. As previously mentioned, Legacy Park Way and Goldenview Lane are existing approaches and will continue to be used to access the subdivision, while Lutheran Camp Road was included given its proximity to the subdivision. All three intersections are currently stop-controlled at their intersections with Highway 93. Traffic counts were taken by 406 Traffic & Transportation Consulting on February 20, 2024, and August 7, 2024, to account for the seasonal nature of the area, which sees a large increase in tourism during the summer months.

Section 4.7.17(h) FCSR requires proposals generating more than 400 ADT to maintain a minimum Level of Service (LOS) C on County Collector and Local roadways or to maintain an existing LOS deficiency. Lutheran Camp Road is the only public, county-maintained road out of the three studied intersections; the other two are private roads. The proposal will not directly access County Collector or Local roads; however, a LOS analysis was provided in the TIS based on USDOT’s Highway Capacity Manual (HCM) and MDT’s Road Design Manual.

The TIS states, *“Operations quality is graded according to the degree to which LOS relates to acceptability standards. According to MDT’s Road Design Manual, the target LOS for a Rural Principal Arterial such as US 93 is B if the local terrain type is level or rolling, and C if it is mountainous. This LOS standard is generally intended to be applied to both highway segments and intersections. However, while spot approach grades at intersections can affect delay estimates, the “terrain type” is a highway segment variable rather than an intersection one. MDT uses a different standard for Urban Principal Arterials (LOS C), but Lakeside’s population is only about half the Department’s population threshold of 5,000 residents for the Urban standard to apply. Despite this technicality, LOS C could be a more appropriate standard for the study intersections for at least two reasons. First, the basis of an LOS at side-street stop-controlled intersections is only the worst lane group rather than a weighted average for all movements at the intersection, which is the LOS basis*

for other control types. Second, the total “with project” volumes in that ‘worst lane group’, eastbound approaching US 93 at the two project access points, are very low: only slightly more than one vehicle per minute (or 60 per hour) in both locations and both peak hours, so queues are likely to remain short even at full project build-out.

[...] In all cases that were analyzed the minor street approach (or left turn) was the lane group with the highest delay. Only the future PM peak hour condition with the Project showed LOS C, while all other cases showed LOS A or B for the worst movement. As stated above, the assignment of LOS C based solely on a side-street movement does not necessarily indicate an operational condition that should be considered for mitigation. The PM peak hour 95th-percentile intersection queue estimate of 0.1 vehicles is consistent with the very low volume conditions and the corresponding HCM volume/capacity ratio for the eastbound left turn, which again, is the worst-performing movement at the intersection, is 0.024. These traffic analysis results do not indicate any operations-based need for additional traffic control analysis or traffic signal warrant evaluation. There are also no mitigations indicated beyond the relocation and expansion of the project’s access at Legacy Park Way.” According to the TIS, each intersection would maintain a minimum LOS C, in conformance with Section 4.7.17(h)(i) FCSR.

Figure 8. TIS Intersection Capacity Analysis Results

	US 93 Intersection	Lane Group*	Scenario		
			Existing	2034 Background	2034 With Project
AM Peak Hour	1. Legacy Park Way	Eastbound	B (11.6)	B (12.0)	Left: B (13.3) Right: A (9.9)
		Northbound Left	A (0.0)	A (0.0)	A (7.9)
	2. Goldenview Lane	Eastbound	A (9.5)	A (9.7)	B (11.2)
		Northbound Left	A (0.0)	A (0.0)	A (7.8)
	3. Lutheran Camp Road	Westbound	B (10.5)	B (10.7)	B (10.9)
		Southbound Left	A (7.7)	A (7.8)	A (7.8)
PM Peak Hour	1. Legacy Park Way	Eastbound	B (12.7)	B (13.3)	Left: C (16.1) Right: B (10.3)
		Northbound Left	A (0.0)	A (0.0)	A (8.0)
	2. Goldenview Lane	Eastbound	A (0.0)	A (0.0)	B (12.7)
		Northbound Left	A (0.0)	A (0.0)	A (8.0)
	3. Lutheran Camp Road	Westbound	B (10.1)	B (10.4)	B (10.5)
		Southbound Left	A (7.8)	A (7.9)	A (8.0)

* In shared-lane cases, the result shown is LOS and delay for both minor-street movements combined.

The TIS concludes, “[...] This analysis has produced future US 93 intersection performance results that should be considered acceptable (one instance of LOS C, the rest B or better) given the nature of traffic expected and other factors. The following recommendations are made as a result of the analysis documented in this report:

- Construct a southbound right turn lane at the site access point (relocated Legacy Park Way), and do so early in project development so as to accommodate construction traffic and early-stage occupants.
- Do not construct northbound left turn lanes at either project access location.”

The EA indicates, “[...] *This study showed that the increase in traffic created by the development does not require any substantial improvements to US Highway 93. However, a southbound right turn lane at the Legacy Park Way intersection is close to being warranted. This right turn lane would provide a safety benefit and is planned to be constructed early in the project, pending MDT review process. The project team is currently coordinating with MDT through the Systems Impact Action Process (SIAP).*”

As of the date of the completion of this staff report, no comment was received from the Montana Department of Transportation (MDT) regarding the proposal. It is anticipated an updated approach permit will be required for the approaches onto Highway 93 at Legacy Park Way and Goldenview Lane. Pursuant to the TIS recommendation, it shall be conditioned that a southbound right-turn lane on Highway 93 at the intersection with Legacy Park Way be constructed, contingent upon MDT’s approval.

Finding #16	The proposed subdivision appears to have sufficient access, as it will be served by two primary ingress/egress routes connecting directly to Highway 93. Approach permits will be required from the Montana Department of Transportation for the approaches onto Highway 93. The internal subdivision roads would be constructed to Flathead County Road and Bridge Department standards, and a road maintenance mechanism would be required for the internal subdivision roads and integral access roads. (Conditions 26, 27, 28, 29)
Finding #17	Residential lots have the potential to generate approximately 10 daily vehicle trips per single-family residential lot; therefore, a 359-lot subdivision could generate 3,590 average daily trips pursuant to Section 4.7.17(c) of the Flathead County Subdivision Regulations. However, the Traffic Impact Study indicates the residential lots and ancillary uses would generate 1,973 average daily trips based on the ITE Trip Generation Manual's Land Use Code for Recreational Homes, and higher traffic counts are expected during summer months due to the seasonal nature of the proposed subdivision.
Finding #18	The proposed subdivision will have a minimal impact on the surrounding road network because the Traffic Impact Study indicates all intersections will maintain an acceptable Level of Service, improvements to approaches at Legacy Park Way and Goldenview Drive will be installed, contingent upon the Montana Department of Transportation's approval. (Conditions 29, 30)
References	Sections 4.7.15, 4.7.16 & 4.7.17 FCSR; ITE Trip Generation Manual, 11 th Edition; Letter from Flathead County Road & Bridge Department, May 19, 2025; Preliminary Plat of Flathead Lake Club; Flathead Lake Club Phasing Plan; Traffic Impact Study, 406 Traffic & Transportation Consulting, January 2025; EA, pp. 21 - 22; Master Declaration of Covenants, Conditions, Easements, and Restrictions of Flathead Lake Club (Draft)

ii. Walkways/Bicycle Paths

The Flathead County Trails Plan designates Highway 93 as a proposed arterial trail, therefore, a 15-foot-wide pedestrian and bicycle path easement will be required along the eastern boundary of the subdivision, adjacent to the Highway 93 right-of-way, in accordance with Section 4.7.19 FCSR.

Finding #19	The proposed subdivision would have a minimal impact on pedestrian facilities because a 15-foot-wide pedestrian and bicycle path easement would be required along the Highway 93 right-of-way. (Condition 31)
References	Section 4.7.19 FCSR; Flathead County Trails Plan, Appendix M

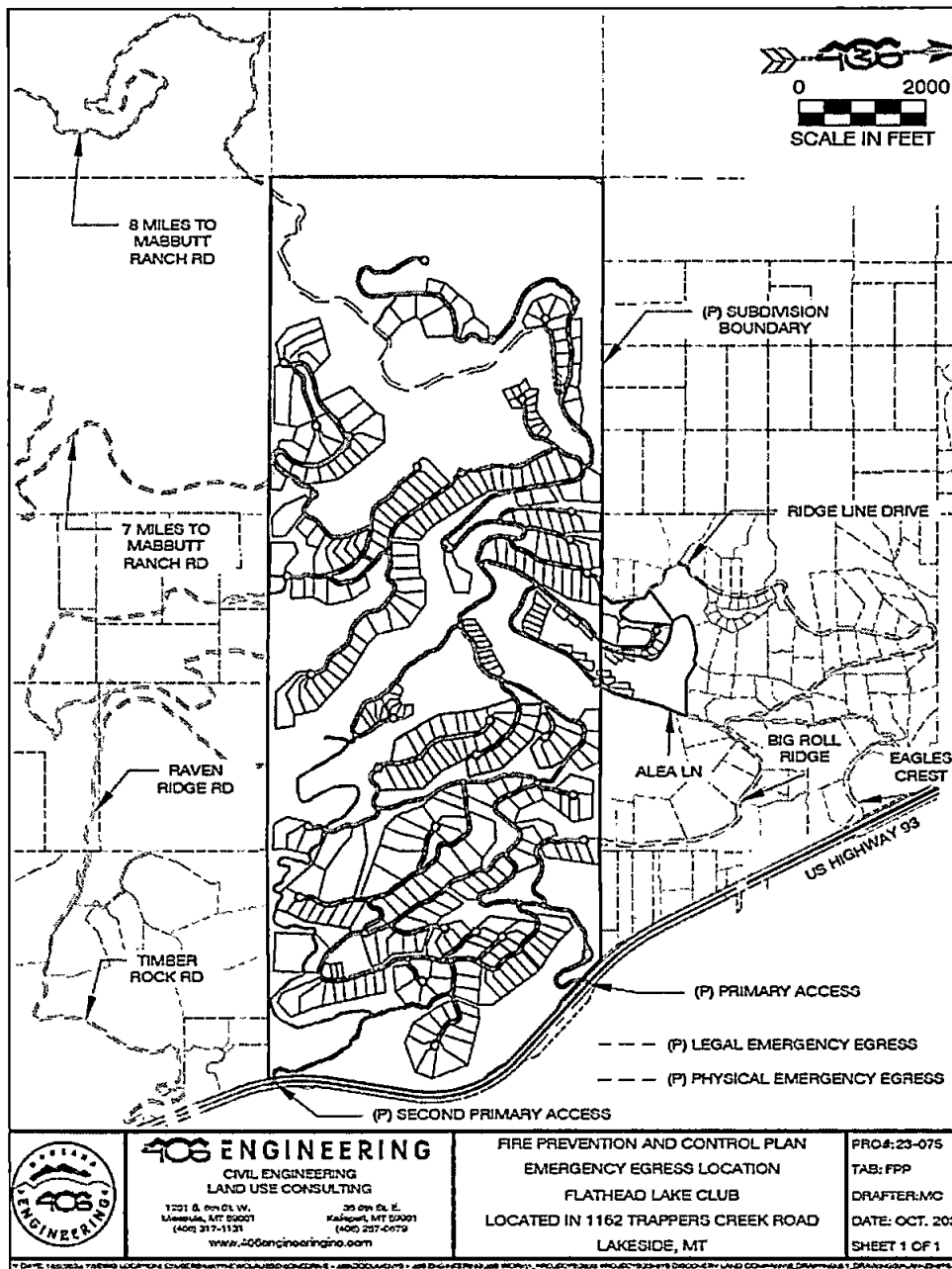
6. Public Services

a. Fire Services

The subject property is located within the Somers-Lakeside Fire District, and the nearest fire station is located approximately 2.5 road miles from Legacy Park Way to the north, along Bills Road. The subject property is located within the Wildland Urban Interface (WUI) and a large portion of the property is in an 'Extreme' Countywide Priority Area. The property is heavily timbered and mountainous.

The submitted Fire Prevention, Control, and Fuels Reduction Plan states, *"The subdivision is serviced by Somers-Lakeside Fire Service Area for structural fire protection and will be serviced by unified command to include Somers-Lakeside Fire Department, DNRC Wildland Fire Protection Agency, and US Forest Service Wildland Fire for its forest fire management. The Somers-Lakeside Fire Department for its forest fire management. The Somers-Lakeside Fire Department is responsible for providing structure fire protection in this rural area outside of Lakeside. The Somers-Lakeside Fire Department is staffed with 30 volunteer responders that provide 24-hour 7 days a week fire service. Additionally, the development is proposing fire hydrants at a 750' spacing connecting to the domestic watermain and an internal fire substation with equipment and staffing to serve all of its residents for fire emergencies. Discussions for the project occurred with the Somers-Lakeside Fire Chief, Tom Havens to confirm the fire protection jurisdictions and proposed fire suppression utilities."* Included with the Plan is an exhibit showing emergency egress routes (see Figure 9 below).

Figure 9. Emergency Egress Routes in Fire Prevention, Control, and Fuels Reduction Plan



As of the date of the completion of this staff report, no comment was received from the Somers-Lakeside Fire District regarding the proposal. The referenced meeting minutes of the discussion with Fire Chief Havens were included with the preliminary plat application.

Comment received from the Fire Management Officer of the Northwest Land Office of the Montana Department of Natural Resources and Conservation (DNRC) indicates wildfires are expected within the proposed subdivision, but risk can be reduced through proper mitigation such as building two-way roads with alternate evacuation routes, managing open space and private timber to

reduce fuels, and using fire-resistant materials and enforcing Firewise practices.

Prior to final plat approval, the applicant will be required to provide a letter from the local fire district stating the plat meets reasonable fire protection measures. Additionally, the applicant will be required to provide written correspondence from the applicable fire protection authority verifying the Fire Prevention, Control, and Fuels Reduction Plan has been approved and implemented. Statements regarding the WUI will be required on the face of the final plat.

b. Police/Emergency Medical Services

The property is located in an unincorporated area of Flathead County and is therefore served by the Flathead County Sheriff’s Office. As of the date of the completion of this staff report, no comments were received from the Flathead County Sheriff’s Office regarding the proposed subdivision. In the event of an emergency, response times will vary depending on the location of the nearest deputy.

The EA indicates ambulance service would be available from the Lakeside Quick Response Unit as well as services provided by Logan Health in Kalispell. The EA indicates the proposal will include medical personnel and facilities onsite.

<p>Finding #20</p>	<p>Impacts on fire, emergency medical, and police services would be minimal with standard conditions because the subdivision would be served by the Somers Rural Fire District and the Flathead County Sheriff’s Office, the applicant will be required to implement an approved Fire Prevention, Control and Fuels Reduction Plan prior to final plat approval, statements regarding the WUI would be required on the face of the final plat, and the subdivision will include an onsite fire station and fire suppression infrastructure and multiple primary and emergency egress routes. (Conditions 2, 3, 11)</p>
<p>References</p>	<p>Sections 4.7.26 & 4.7.27 FCSR; Flathead County IMA; Google Maps; Letter from DNRC, June 11, 2025; Fire Prevention, Control and Fuels Reduction Plan, prepared by 406 Engineering, Inc.; Somers-Lakeside Fire Department Collaboration Meeting Minutes, prepared by 406 Engineering, Inc., September 6, 2023</p>

c. Schools

The proposal is located in the Somers Elementary School District and the Flathead High School District. The Somers Elementary School District has seen a 2% increase in enrollment over the last decade and no increase or decrease between the 2023 and 2024 school years. The Flathead High School District has seen a 7% increase in enrollment over the last decade and a 4% decrease between the 2023 and 2024 school years.

According to the 2023 Census Data, there are 52,593 housing units in Flathead County. The Flathead County Statistical Report of Schools 2024 states there are 17,250 students enrolled in public, private, and home schools. The total number of students (17,250) divided by the total housing units (52,593) equals approximately 0.33 students per household. The proposed 359 additional residential lots/units could generate approximately 119 school-age children, using this calculation.

The student-per-household estimate used above is based on general Countywide Census data; however, the application indicates the proposal will consist of recreational homes, predominantly used in a seasonal manner. Based on this seasonal nature and previous similar projects completed by the applicants in other locations, the applicants anticipate that very few children will be enrolled in the local school system.

A letter provided with the application, signed by the District Superintendent of the Somers Lakeside School District, acknowledges discussions held between the applicants and the School District and acknowledges that the District can serve the proposed development. As of the date of the completion of this staff report, no comments have been received directly from the local school districts regarding the proposal.

<p>Finding #21</p>	<p>The proposed subdivision is anticipated to have a minimal impact on local schools because the subdivision will largely consist of residents of a seasonal nature, with children enrolled outside of the County. The Flathead County Planning and Zoning Office did not receive comment from the Somers School District, however, a letter signed by the District Superintendent was submitted with the preliminary plat application and indicates the School District can accommodate additional students as a result of the proposed subdivision. (No Applicable Conditions)</p>
<p>References</p>	<p>Sections 4.7.29 FCSR; U.S. Census Bureau; Flathead County Statistical Report of Schools 2024; EA, p. 24; Letter from 406 Engineering, Inc. to District Superintendent of Lakeside School District, 09.03.24</p>

d. Parks and Recreational Facilities

Pursuant to Section 4.7.24 FCSR, parkland dedication is required for major subdivisions with residential lots that will be five gross acres or less in size. The proposed subdivision would result in 359 single-family residential lots, ranging in size from less than 0.5 acre to greater than 5 acres. Parkland dedication requirements are laid out in Section 4.7.24(e)(i-iv) FCSR as:

“Parkland cash or land donation dedication requirements shall be based on the following formula:

- ii. 11% of the combined gross area of the land proposed to be subdivided into parcels of 1/2 acre and smaller;*
- iii. 7.5% of the combined gross area of the land proposed to be subdivided into parcels larger than 1/2 acre and not larger than one acre;*

- iv. 5% of the combined gross area of the land proposed to be subdivided into parcels larger than one acre and not larger than three acres;
- v. 2.5% of the combined gross area of the land proposed to be subdivided into parcels larger than three acres and not larger than five acres."

The developer provided a Parkland Dedication Calculation sheet which staff verified and confirmed for its accuracy (see Figure 10 below).

Figure 10. Submitted Parkland Dedication Calculation sheet

PHASE 1				
Subdivision Regulation	Lot Sizes (ac)	Combined Gross Area (ac)	Percentage	Required Parkland Dedication (ac)
4.7.24(e)(i)	≤0.5	0.00	11.0%	0.00
4.7.24(e)(ii)	0.5< - ≤1.0	1.00	7.5%	0.08
4.7.24(e)(iii)	1.0< - ≤3.0	115.43	5.0%	5.77
4.7.27(e)(iv)	3.0< - ≤5.0	24.09	2.5%	0.60
4.7.24(a)(i)	5<	28.01	0.0%	0.00
Total:				6.45

PHASE 2				
Subdivision Regulation	Lot Sizes (ac)	Combined Gross Area (ac)	Percentage	Required Parkland Dedication (ac)
4.7.24(e)(i)	≤0.5	0.00	11.0%	0.00
4.7.24(e)(ii)	0.5< - ≤1.0	3.42	7.5%	0.26
4.7.24(e)(iii)	1.0< - ≤3.0	76.12	5.0%	3.81
4.7.27(e)(iv)	3.0< - ≤5.0	11.53	2.5%	0.29
4.7.24(a)(i)	5<	17.23	0.0%	0.00
Total:				4.35

PHASE 3				
Subdivision Regulation	Lot Sizes (ac)	Combined Gross Area (ac)	Percentage	Required Parkland Dedication (ac)
4.7.24(e)(i)	≤0.5	3.31	11.0%	0.36
4.7.24(e)(ii)	0.5< - ≤1.0	15.12	7.5%	1.13
4.7.24(e)(iii)	1.0< - ≤3.0	47.90	5.0%	2.39
4.7.27(e)(iv)	3.0< - ≤5.0	0.00	2.5%	0.00
4.7.24(a)(i)	5<	87.37	0.0%	0.00
Total:				3.89

PHASE 4				
Subdivision Regulation	Lot Sizes (ac)	Combined Gross Area (ac)	Percentage	Required Parkland Dedication (ac)
4.7.24(e)(i)	≤0.5	0.00	11.0%	0.00
4.7.24(e)(ii)	0.5< - ≤1.0	6.62	7.5%	0.50
4.7.24(e)(iii)	1.0< - ≤3.0	100.48	5.0%	5.02
4.7.27(e)(iv)	3.0< - ≤5.0	10.87	2.5%	0.27
4.7.24(a)(i)	5<	0.00	0.0%	0.00
Total:				5.79

PHASE 5				
Subdivision Regulation	Lot Sizes (ac)	Combined Gross Area (ac)	Percentage	Required Parkland Dedication (ac)
4.7.24(e)(i)	≤0.5	0.00	11.0%	0.00
4.7.24(e)(ii)	0.5< - ≤1.0	0.00	7.5%	0.00
4.7.24(e)(iii)	1.0< - ≤3.0	96.82	5.0%	4.84
4.7.27(e)(iv)	3.0< - ≤5.0	39.35	2.5%	0.98
4.7.24(a)(i)	5<	11.14	0.0%	0.00
Total:				5.82

The proposed subdivision would require a total of 26.3 acres of parkland dedication, divided among the five phases. Staff calculations based on the submitted lot summary table total 566.36 acres of dedicated open space located throughout the subdivision. The two golf course lots are considered

amenity lots and total 302.86 acres and are not factored into the 566.36 acres of open space. The developer plans to dedicate approximately 177.71 acres of open space in Phase I, 16.858 acres in Phase 2, 138 acres in Phase 3, 80.58 acres in Phase 4, and 153.21 acres in Phase 5. The EA states, “[...] *Park and recreation facilities included in the current development program include sports fields and courts, hiking/biking trails, 18-hole golf course, kids club play areas, climbing areas, wildlife watching, and historical/educational facilities.*” Section 4.7.24(h) states, “*Land dedicated for public parks or recreational purposes shall be useable land [...] Proposed public parkland with any of the following limitations may not be considered appropriate for park purposes:*

“i. Where more than five percent of the site has an average cross slope greater than 25 percent;

“ii. Where more than 50 percent of site has an averages cross slope greater than two to six percent; [...]”

Based on the slope map within the Preliminary Geologic Hazards and Geotechnical Engineering Report, a substantial portion of the open space areas within the subdivision would not be considered usable land. Considering the amount of available open space, including the golf course and other amenity lots, it is anticipated that the parkland dedication requirements could be met. However, cash-in-lieu shall be required for any parkland acreage that does not meet the standards for usable land. 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. Pursuant to Section 4.4.2(c) FCSR, it shall be conditioned that parkland dedication or cash in lieu shall be required with each phase and not deferred until a later phase.

Comment from the DNRC indicates the proposed subdivision borders a trust land parcel. Based on the DNRC’s Trust Lands Public Access Map, the noted parcel in the comment is adjacent to the south and does not allow for public access. The DNRC comment indicates, “*Our concerns would be on the impact of increased public traffic to the parcel and what environmental affects that may have.*” The EA states, “*The subdivision is adjacent to Flathead National Forest and State of Montana public land and does not currently provide public access to those lands.*”

e. Mailbox Facilities

The application indicates centralized mailboxes will serve the proposed subdivision. The location of the mailboxes serving the proposed subdivision shall require review and written approval from the local postmaster as a condition of final plat approval and should meet the location requirements outlined in Section 4.7.28 FCSR.

Finding #22	Impacts on local services with regard to mail delivery and recreation would appear to be acceptable as the applicant will be required to submit written approval from the local postmaster prior to final plat approval. The Commission hereby waives the parkland dedication requirement in accordance with Section 4.7.24.d due to the long-term protection of critical wildlife habitat and aesthetic values provided by the subdivision. The Open Space provided within this subdivision would be required to be permanently set aside and shall be conditioned to require a statement on the face of the final plat. (Conditions 7, 32, 33)
References	Sections 4.7.24 & 4.7.28 FCSR; Major Subdivision Preliminary Plat Application, p. 2; DNRC Trust Lands Public Access Map; DNRC Comment, 5.30.25; EA, p. 25, 27

7. Hazards

a. High-Voltage Electric Lines/High-Pressure Gas Lines

There are no high-pressure gas lines on the subject property. Bonneville Power Administration has high-voltage electric lines running through the very northwestern corner of the property in an area of planned open space. Comment received from BPA states, “[...] BPA has no objection to the Preliminary Plat Request. However, BPA has concerns about the possibility of a future design plan on the NW¼NW¼ of Section 25, Township 26 North, Range 21 West, M.P.M., Flathead County, Montana.

BPA holds an easement within Section 25 for the Kalispell-Kerr Transmission Line, which includes “the right to enter”. We would like to ensure that the easement and the rights to access and cross Section 25 is recognized so as not to block BPA out of our transmission line and legal easement area.

BPA right-of-way easements are taken with certain restrictions on the underlying land. In order to maintain operation and safety criteria, all activities planned within the BPA right-of-way need to be approved by BPA prior to their occurrence. Activities that block maintenance crews (such as the installation of fences) or safety concerns (such as buildings, public roads, driveways, utilities, small structures) need to be addressed prior to construction in order to avoid later modification, at the landowner’s expense.

In order to avoid problems at this location, BPA requests that the following language be included on the Master Plan map for this site:

The Bonneville Power Administration (BPA) imposes certain conditions on the portions of those properties encumbered by its high voltage transmission line right-of-way. BPA does not allow structures to be built within the right of-way, nor does it allow access to be blocked to any transmission facilities. Any activity that is to occur within the right-of-way needs to be permitted by BPA prior to installation or construction. Information regarding the permitting process for proposed uses of the right-of-way may be addressed to BPA Real Estate Field Services at (406) 751-7824.”

As previously mentioned, the BPA easement runs through a portion of open space, and no development is planned for that area. Pursuant to the received comment, a note shall be required on the face of the final plat alerting landowners of the encumbrances of the BPA right-of-way.

b. Airport Influence Areas

The subject property is located approximately 20 air miles from Glacier Park International Airport property and is not located within GIA’s airport influence area.

Approximately half of a private airfield is located within the proposed subdivision’s boundaries. The remaining half of the airfield is located within the Eagle’s Development/Eagle’s Crest subdivision. All proposed lots have been located outside of the runway strip. The application does not indicate whether the runway will be used for the proposal or how it would impact its current usage. No comment was received from the Flathead Municipal Airport Authority.

Finding #23	Impacts to public health and safety from high-pressure gas lines or airport influence areas are not anticipated because no high-pressure gas lines are found on the subject property and the property is not located within the airport influence area of Glacier Park International Airport and all lots are located outside of the existing private runway. (No Applicable Conditions)
Finding #24	Impacts to public health and safety appear to exist because high-voltage electric lines run through the northwest corner of the subject property, however, pursuant to comment received from BPA impacts can be mitigated by conditioning a statement to appear on the face of the final plat alerting future landowners of the conditions regarding land encumbered by BPA right-of-way. (Condition 34)
References	Flathead County IMA; Google Maps; Letter from BPA, 5.30.25; EA pp. 16 & 26; Preliminary Plat Flathead Lake Club

c. Superfund Sites, Abandoned Landfills, Mines, or Sewer Treatment Plants

The EA indicates the subject property is not adjacent to Superfund sites, hazardous waste sites, abandoned landfills, open wells, waste sites, or sewage treatment plants.

Finding #25	Impacts to public health and safety from Superfund sites, abandoned landfills, mines, or sewer treatment plants are not anticipated because those features do not exist on the property. (No Applicable Conditions)
References	EA, p. 26

8. Historical Features

The Environmental Assessment states, "SHPO was contacted regarding any cultural or historic features. SHPO responded (Project #2024022106) stating that a search of their records identified one previously recorded site within the project site and a few previously conducted resource inventories done in the area. SHPO stated the likelihood of the development impacting cultural properties is low and therefore did not recommend a cultural resource inventory."

Finding #26	The proposed subdivision would not adversely impact historical features because there are no known historical, archeological, or cultural sites on the subject property. (No Applicable Conditions)
References	EA, pp. 14-15; SHPO email, 2.21.24

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

Finding #27	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. (Condition 12)
References	76-3-611 M.C.A.

C. Compliance with the Flathead County Subdivision Regulations and Review Procedure

1. Requested Variances

No variances have been requested with this application.

2. Flathead County Subdivision Review Procedure

iii. Pre-application Conference Date

July 30, 2024

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

January 30, 2025

v. Application Submittal Date

October 23, 2024

vi. Completeness Date

October 29, 2024

vii. Sufficiency Date

Insufficient #1: November 20, 2025

Insufficient #2: February 25, 2025

Sufficient #1: April 11, 2025

Insufficient #3: April 16, 2025

Sufficient #2: April 29, 2025

viii. Agency Referral Requests Mailing Date

May 13, 2025

Revised: May 22, 2025*

June 6, 2025 (Flathead Municipal Airport Authority)

*Revised agency referral mailed due to staff clerical error on original

ix. Adjacent Property Notification Mailing Date

June 17, 2025

x. Legal Notice Publication Date

June 22, 2025

xi. On-site Posting of Public Hearing Date

June 24, 2025

Finding #28	The proposed subdivision 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 October 10, 2023.
References	Section 4.2 FCSR; 76-3-609 M.C.A.

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

Finding #29	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.
References	Title 76 M.C.A.; Preliminary Plat of Flathead Lake Club

E. Provision of Legal and Physical Access to Each Parcel

Each lot within the subdivision would have legal and physical access from proposed internal subdivision roads within 60-foot-wide easements via Highway 93.

Finding #30	The preliminary plat includes adequate provisions for legal and physical access because proposed internal subdivision roads within 60-foot-wide easements would provide access to each lot within the subdivision via Highway 93. (Conditions 26, 27, 28, 29)
References	Flathead County IMA; Preliminary Plat of Flathead Lake Club

F. 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 criterion by which an individual subdivision proposal must undergo local government review or on which findings of fact are to be based. A review of general conformance with applicable plans is provided as an acknowledgment and consideration of the guidance offered by the information contained in the document(s).

1. Neighborhood Plan

The subject property is located within the boundaries of the Lakeside Neighborhood Plan (Plan). The Lakeside Neighborhood Plan was adopted on November 22, 1995 (Resolution No. 1068A) and amended on September 15, 2010 (Resolution No. 2274A). The Plan identifies the subject property as 'Suburban Mixed' on the Lakeside Future Land Use Designations map. The Plan recommends the following densities within the Suburban Mixed area:

"Density ranges from 1 unit per 5 acres to a maximum density of 1 unit per 2.4 acres with paved roads.

- 1. A maximum of 1 dwelling unit per 5 acres is the base underlining density.*
- 2. A maximum density of 1 unit per 2.4 acres is achievable in areas.*
 - i. With a paved network,*
 - ii. With connection to community or public water and sewer,*
 - iii. Where clustered design is used to mitigate terrain challenges and preserve open space.*

Development Guidelines

- 1. Light commercial development, associated with passive and active recreational uses such as a golf course, hiking/skiing trail systems, parks, and a private airstrip is acceptable in this designation on paved roads.*
- 2. Multifamily residential is limited to a maximum of 10% of the total units in the designation."*

The proposed subdivision would result in a density of approximately one unit per 4.65 acres. The proposal would fall between the base underlying 5 acre density and maximum 2.4 acre density desired in the Plan. The subdivision would be served by a paved road network and would be connected to public water and sewer. The preliminary plat shows residential units arranged together in groups and separated by areas of open space. The developer has submitted a geotechnical engineering report addressing geologic hazards and site constraints; the report provides recommendations for mitigating the identified geologic hazards. Out of the 1,700 acres included in the proposal, 864.36 acres will be retained as open space. The proposal would appear to comply with the desired density of the Plan's Suburban Mixed area designation.

2. Flathead County Growth Policy

The Flathead County Growth Policy is a general policy document that meets the requirements of 76-1-601, MCA and was updated on August 31, 2023. 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 subdivisions in Flathead County and is therefore in general compliance with the Flathead County Growth Policy.

G. Compliance with Local Zoning

The proposed subdivision is located in an area of Flathead County that is not zoned.

<p>Finding #31</p>	<p>The proposed subdivision generally complies with the Flathead County Growth Policy, Lakeside Neighborhood Plan and the zoning regulations because the proposal conforms to the regulations used in the review of subdivision in Flathead County, and with the density desired in the Suburban Mixed designation of the Lakeside Neighborhood Plan, and a portion of the subject property is zoned Scenic Corridor which only regulates signage and cellular communication towers. (No Applicable Conditions)</p>
<p>References</p>	<p>Flathead County IMA; Flathead County Growth Policy; Flathead County Subdivision Regulations; Lakeside Neighborhood Plan; Preliminary Plat of Flathead Lake Club</p>
<p>Finding #32</p>	<p>Indications are that there may be possible known and unknown legal claims regarding property within the boundaries or other anticipated impacts resulting from such development. This Board is not the final legal arbiter of those issues and they are more properly within the purview of the judicial courts to make such legal determinations.</p>

V. CONCLUSION

The proposed subdivision appears to generally comply with the subdivision review criteria and design standards found in Section 4.7 FCSR, pursuant to draft Findings of Fact prepared herein, or identified impacts can be mitigated with conditions of approval, with the exception of impacts to wildlife, wildlife habitat, and the natural environment, pursuant to draft Findings of Fact #1, #3, and #9. Pursuant to 76-3-608(9) MCA, *“If a federal or state governmental entity submits a written or oral comment or an opinion regarding wildlife, wildlife habitat, or the natural environment relating to a subdivision application for the purpose of assisting a governing body’s review, the comment or opinion may be included in the governing body’s written statement under 76-3-620 only if the comment or opinion provides scientific information or a published study that supports the comment or opinion. A governmental entity that is or has been involved in an effort to acquire or assist others in acquiring an interest in the real property identified in the subdivision application shall disclose that the entity has been involved in that effort prior to submitting a comment, an opinion, or information as provided in this subsection.”* Should the Flathead County Board of Commissioners choose to grant preliminary plat approval of this subdivision, the following draft conditions should be considered to supplement the decision and mitigate impacts anticipated as a result of the subdivision.

VI. CONDITIONS OF APPROVAL

A. Standard Conditions

1. The developer shall receive physical addresses in accordance with Flathead County Resolution #1626. All road names shall appear on the final plat. Street addressing shall be assigned by Flathead County. [Sections 4.7.16(g)(iv), 4.7.26(c) FCSR]

2. The developer shall comply with reasonable fire suppression and access requirements of the Somers 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 and Finding of Fact (FOF) 20]
3. Prior to final plat approval, the subdivider shall provide written documentation from the local fire protection authority verifying the Fire Prevention, Control and Fuels Reduction Plan has been implemented. [Section 4.7.27(b)(iii) FCSR and FOF 20]
4. All areas disturbed during development of the subdivision shall be re-vegetated in accordance with an approved Weed Control Plan and a letter from the County Weed Supervisor stating that the Weed Control Plan has been approved shall be submitted with the final plat. [Section 4.7.25 FCSR and FOF 8]
5. 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]
6. 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 the Montana Department of Environmental Quality. [Sections 4.7.20, 4.7.21 FCSR and FOF 11]
7. 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 and FOF 22]
8. 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 with the application for final plat stating that the hauler is able to provide service to the proposed subdivision. [Section 4.7.22 FCSR and FOF 13]
9. 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 and FOF 14]
10. All road names shall be approved 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]
11. The following statements shall be placed on the face of the final plat applicable to all lots:
 - a. All road names shall be assigned by the Flathead County Address Coordinator and clearly identified and house numbers will be clearly visible from the road, either at the driveway entrance or on the house. House numbers shall be at least four inches in length per number. [Section 4.7.26(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 and FOF 14]
 - d. Solid waste removal for all lots shall be provided by a contracted solid waste hauler. [Section 4.7.22 FCSR and FOF 13]
 - e. Lot owners are bound by the Weed Control Plan to which the developer and the Flathead County Weed Department agreed. [Section 4.7.25 FCSR and FOF 8]
 - f. This subdivision is located in the Wildland Urban Interface area where wildfires can and do occur. [Section 4.7.27 FCSR and FOF 20]
 - g. Only Class A and Class B fire-rated roofing materials are allowed. [Section 4.7.27 FCSR and FOF 20]
 - h. Firewise defensible space standards shall be incorporated around all primary structures and improvements. [Section 4.7.27 FCSR and FOF 20]
12. The final plat shall comply with state surveying requirements. [Section 76-3-608(b)(i) M.C.A.]
13. 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.) and FOF 12]
14. All required improvements shall be 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]
15. 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]
16. Preliminary plat approval is valid for three years. The final plat shall be filed at least 45 working days prior to the expiration of preliminary plat approval, or an approved extension of time. Extension requests to the preliminary plat approval shall be made at least 30 working days prior to the expiration of preliminary plat approval, or a previously approved extension of time. [Sections 4.1.11, 4.1.13 FCSR]

B. Project-Specific Conditions

17. The proposed phasing plan shall be implemented in accordance with the requirements of Section 4.4.2 FCSR; 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. [Section 4.4.2 FCSR]
18. For all subsequent phases of a phased subdivision submitted for final plat approval more than 5 years after the date of preliminary approval of the subdivision; the subdivider shall provide written notice to the governing body not more than 1 year or less than 90 days in advance of submitting the final plat application. [Section 4.4.2(f)(i) FCSR]
19. The Riparian Resource Management Plan shall comply with Section 4.7.11 FCSR and be approved by the Commission. [Section 4.7.11 FCSR and FOF 1, 2]
20. The vegetative buffer in accordance with the approved Riparian Resources Management Plan along the unnamed tributary of Stoner Creek and associated wetlands shall be clearly delineated and labeled as a 'No Build Zone' on the face of the final plat. [Section 4.7.11 FCSR and FOF 1, 2]
21. All delineated wetlands, vegetative buffers, and building setbacks as defined in the Riparian Resource Management Plan shall be designated as a 'No Build Zone' on the final plat. [Section 4.7.10 FCSR and FOF 4]
22. The developer shall provide evidence that any building pad on slopes between 25 and 40 percent in cross slope shall be required to undergo a geo-technical soils analysis conducted by a licensed professional engineer prior to final plat approval. The soils analysis must demonstrate that development of these lots would pose no significant geological hazards to either this lot or neighboring properties. [Sections 4.7.4, 4.7.5, 4.7.7 FCSR and FOF 6]
23. The developer shall provide evidence that any building pad within rock fall areas shall be required to undergo a geo-technical soils analysis conducted by a licensed professional engineer prior to final plat approval. The soils analysis must demonstrate that development of these lots would pose no significant geological hazards to either this lot or neighboring properties. [Sections 4.7.4, 4.7.5, 4.7.7 FCSR and FOF 6]
24. A fault investigation shall be completed to determine if the identified lineaments on the subject property are active or inactive, prior to final plat approval of Phase 1. [Sections 4.7.4, 4.7.5, 4.7.7 FCSR and FOF 6]
25. The proposed extensions and connections of the public water supply system and public sewer system shall comply with the standards and requirements of the Lakeside County Water & Sewer District. A letter from the District stating that the water supply and sewage treatment system improvements meet the District's requirements shall be submitted with the application for final plat of each phase. [Sections 4.7.20, 4.7.21 FCSR, FOF 11]
26. 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. Construction and "As Built" plans and drawings for all roads shall be designed and certified by a licensed professional engineer and provided to the Road and Bridge Department prior to final plat application, unless a Subdivision Improvement Agreement is executed. [Sections 4.7.16, 4.7.17 FCSR and FOF 16]

27. 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 and FOF 16]
28. Road identification signs and traffic control devices such as stop signs and yield signs, shall be installed at each intersection in conformance with the requirements of the Flathead County Subdivision Regulations. [Section 4.7.16 and FOF 16]
29. Prior to final plat approval, the applicant shall provide approach permits from the Montana Department of Transportation for the proposed approaches onto Highway 93. [Section 4.7.16 FCSR and FOF 16, 17, 18]
30. Contingent upon the Montana Department of Transportation's approval, the developer shall install improvement infrastructure for Highway 93 at the intersections with Legacy Park Way and Golden View Drive in accordance with Montana Department of Transportation standards, prior to final plat approval of Phase 5. [Section 4.7.16, 4.7.17 FCSR and FOF 18]
31. A 15-foot-wide pedestrian and bicycle path easement shall be shown on the face of the final plat for the entire length of the subdivision adjacent to the Highway 93 right-of-way. [Sections 4.7.19 FCSR and FOF 19]
32. A total of 864 acres of land shall be dedicated as open space and maintained by the Homeowner's Association in accordance with the provisions of Section 4.7.24(d). The open space shall be designated as permanent open space on the face of the final plat. [Section 4.4.2(c) and 4.7.24(e)(v) FCSR and FOF 22]
33. Covenants, Conditions and Restrictions (CC&Rs) shall be recorded at the time of final plat describing the intended use, management, and ownership of the open space. [Section 4.7.24(d)(ii) FCSR and FOF 22]
34. The following statement shall be included on the face of the final plat applicable to all lots: [Section 4.7.4 FCSR and FOF 24]
 - i. The Bonneville Power Administration (BPA) imposes certain conditions on the portions of those properties encumbered by its high-voltage transmission line right-of-way. BPA does not allow structures to be built within the right-of-way, nor does it allow access to be blocked to any transmission facilities. Any activity that is to occur within the right-of-way needs to be permitted by BPA prior to installation or construction. Information regarding the permitting process for proposed uses of the right-of-way may be addressed to BPA Real Estate Field Services at (406) 751-7824.

35. Applicant must show with legal certainty and to this Board's satisfaction, its legal right to develop the property as proposed.

Planner: EA

The Board also moved to approve the conditions in Exhibit A based on the above findings.