

**RESOLUTION NO. 1891**

A RESOLUTION OF THE CITY COUNCIL OF COLUMBIA FALLS, MONTANA CONDITIONALLY APPROVING THE PRELIMINARY PLAT OF TAMARACK MEADOWS SUBDIVISION, LOCATED ALONG GLENEAGLES TRAIL AND TURNBERRY TERRACE MORE PARTICULARLY DESCRIBED AS TRACT 1 (THE REMAINDER OF TAMARACK HEIGHTS PHASE 1) IN SECTION 6, TOWNSHIP 30 NORTH, RANGE 20 WEST, P.M.M., FLATHEAD COUNTY, MONTANA.

WHEREAS, Schellinger Construction, owner/applicant of the subject property, has applied for preliminary plat approval of the Tamarack Meadows Subdivision;

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

WHEREAS, the Columbia Falls Planning Department, in Subdivision Report #CPP-22-03, recommended approval of said subdivision plat with certain conditions;

WHEREAS, the request was considered by the Columbia Falls City-County Planning Board in a public hearing at its regularly scheduled meeting on December 13, 2022, at which the Board adopted Staff Report #CPP-22-03 with revisions and recommended approval of the preliminary plat subject to certain conditions as shown on Attachment "A;" and

WHEREAS, the preliminary approval of said subdivision plat was considered by the City Council of the City of Columbia Falls at the regular council meeting on Monday, January 3, 2023 and after said hearing was advertised according to law and at which time the Council considered the recommendation of the Planning Board, the report of the Columbia Falls Planning Office, together with any and all comments filed or voiced, and determined that the development of the subdivision meets the requirements of Title 76, Chapter 3 of the Montana Code Annotated and should be approved with certain conditions; and

WHEREAS, the Council continued their deliberation of the findings of fact and conditions on January 17, 2023 upon receiving answers to specific questions posed on January 3, 2023 whereby they concluded that they had sufficient information to proceed.

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

Section One. Findings of Fact. That Subdivision Report #CPP-22-03 of the Columbia Falls Planning Department is adopted by the Council as findings of fact with respect to said Subdivision Plat approval and subject to the conditions set forth on Attachment "A" as amended by the City Council.

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

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

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

PASSED AND ADOPTED BY THE CITY COUNCIL OF COLUMBIA FALLS,  
MONTANA THIS 6th DAY OF FEBRUARY, 2023, THE COUNCIL VOTING AS  
FOLLOWS:

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

NOES: None

ABSENT: Shepard

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City Clerk

APPROVED BY THE MAYOR OF COLUMBIA FALLS, MONTANA THIS 6TH DAY  
OF FEBRUARY, 2023.

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Mayor

ATTEST:

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City Clerk

## ATTACHMENT "A"

1. The final plat of Tamarack Meadows shall conform to the approved preliminary plat design.
2. A five foot detached concrete sidewalk shall be provided along one side of all interior roads within the subdivision. A six foot gravel trail shall be provided within the open space areas. All sidewalk and trails shall closely follow the locations shown on the preliminary plat. A waiver is hereby granted to Subdivision Standard 17.16.110.
3. A variance is granted to Subdivision Standard 17.16.140 which requires curbs, gutters and sidewalks based on the findings herein, except as noted herein.
4. A variance to Subdivision Standard 17.16.130, outdoor street lighting requirements is hereby granted based in the findings. Any outdoor lighting installed by the developer or future homeowners shall be downcast and fully shielded and otherwise dark-sky compliant.
5. All utilities to the lots shall be installed in conformance with the requirements of the utility owner. Utilities shall be buried and extended to the front property line of each lot.
6. The applicant shall secure approval from the Meadow Lake Water and Sewer District for the water and sewer design prior to any construction. The applicant shall also secure approval of the water and sewer infrastructure from the Montana Department of Environmental Quality.
7. The applicant shall secure approval from the Montana Department of Environmental Quality for the stormwater management including detention, treatment and conveyance.
8. All pavement sections within the subdivision shall be built in accordance with City standards. Street signs shall be provided. Road construction shall be inspected and certified by a registered engineer.
9. Prior to final plat, the applicant shall provide a final Geotechnical plan and the applicant shall follow the recommendation in the construction of the infrastructure.
10. Prior to final plat approval the entire length of Meadow Lake Drive and Turnberry Terrace shall be resurfaced to the existing width, unless an alternate route for subdivision construction traffic can, through compliance with Condition No. 27 hereto, be procured, in which case such resurfacing shall not be required. Prior to this work the applicant shall secure permits and approval from the Flathead County Road Department. The resurfacing shall meet County standards for thickness, crown, and integrity of the existing driveways.
11. The applicant shall approach the Flathead County Road and Bridge Superintendent to determine if there are alternative speed bump designs or other traffic calming measure that can be implemented in Meadow Lake Drive. If there is a best practices traffic calming measure that is acceptable to the County, such as striping and signage, the applicants shall implement it in the resurfacing of the road.
12. The proposed subdivision shall waive the right to protest annexation as required by the Meadow Lake Water and Sewer District agreement with the City of Columbia Falls.

13. All dwellings shall have house numbers, which conform to the requirements of the Rural Fire District. This condition shall be placed on the face of the plat.
14. The applicants shall provide Columbia Falls Public Works Department and Meadow Lake Water and Sewer District copies of the final plat drawings and as-built construction drawings for all public infrastructure improvements constructed in street rights of way or easements within the plat. Drawings shall be paper and digital. Digital copies shall be in a format prescribed by the City and the District. The Developer shall provide a GPS location of the center of each water valve cover, sewer manhole cover, and the location every 20 feet of any buried piping that varies more than 6% from a straight line between main line appurtenances that possess surface components.
15. The parkland dedication requirement has been met by the common open space area as shown on the plat, in conjunction with the plat notes outlined herein.
16. The Flathead County Weed Department shall approve a Weed Management Plan for the Development prior to Final Plat. A note shall be placed on the face of the final plat stating: "Lot owners are subject to the Weed Management Plan approved by the Flathead County Weed Department."
17. The applicant shall provide a letter from the applicable Solid Waste Contractor stating that Solid Waste Service is available to the Subdivision. The CC&R's will encourage use of a Solid Waste contractor for residences in the subdivision.
18. Plat notes shall be added to the face of the plat delineating that the open space is dedicated in perpetuity; that the open space is available for use by the general public, and that said open space will be owned and maintained by the Homeowners Association. No vegetation can be removed in open space areas without approval by the Homeowners Association; and the buffer area adjacent Garnier Creek shall remain undeveloped and in a natural state. Changes to the use and/or management of the common open space shall be approved by the Homeowners Association.
19. The applicant shall provide a Set of CC&R's to be filed with the Final Plat. Said CC&R's shall address the maintenance of all common features within the subdivision including roads, common areas, and paths within common areas.
20. A Construction Mitigation Plan shall be developed, in consultation with the applicable representative Homeowner's Associations (Mountain Watch, Meadow Lake and Garnier Estates) and private property owner adjacent to Lots 2-15, and submitted to the City prior to the commencement of any construction. Said plan shall include construction hours, ingress, egress and haul routes, staging of materials and job shacks, parking for construction workers, dust abatement, temporary erosion control measures and other best management practices. The neighboring representatives have no veto power over any proposed or approved Construction Mitigation Plan.
21. Tamarack Heights is approved as a single phase.
22. The responsible postmaster shall approve a common mailbox facility at an approved location. The facility shall meet the requirements of 17.18.250.
23. All improvements including road, water, sewer, stormwater, dry utilities, sidewalks and paths shall be installed prior to Final Plat or the applicant

shall provide the City with a Subdivision Improvements Agreement with required collateral as provided for Chapter 17.32 of the Columbia Falls Subdivision Regulations.

24. The preliminary plat shall expire three (3) years after the approved effective date stipulated by the City Council. Extensions may be granted by the City Council if the applicant requests extension 30-days prior to the expiration of the plat or any remaining phase.
25. Tamarack Meadows shall be responsible for and contribute no less than twenty-five (25%) of the cost of road maintenance and repair for Turnberry Terrace for as long as the Tamarack Meadows Homeowners Association, or its successor(s) in interest, continues to remain an active and viable governing body of the subdivision. Such contribution shall be, unless otherwise designated by the Mountain Watch HOA, made directly to such HOA.
26. The applicant must install a sidewalk wherever possible on the one side of Meadow Lake Drive, unless the applicant can affirmatively demonstrate to the City that: the governing HOA does not approve of such sidewalk; that any such sidewalk portion or portions cannot be constructed in compliance with the American with Disabilities Act; or, that Flathead County does not approve of any one or more such sidewalk portions.
27. The applicant shall pursue with all reasonable diligence the use of an alternate construction traffic route through property currently owned by Kelson and Suzanne Colbo, unless securing and constructing such alternate route proves to be economically unfeasible.
28. The applicant shall erect a permanent six foot split-rail fence, in compliance with the Tamarack Meadows CC&R's adjacent to Lots 2-15 of Tamarack Meadows and property owned by Kelson and Suzanne Colbo in order to deter and/or prevent trespass over and across Colbo's property.