

## RESOLUTION NO. 1911

A RESOLUTION OF THE CITY COUNCIL OF COLUMBIA FALLS, MONTANA CONDITIONALLY APPROVING THE PRELIMINARY PLAT OF ROCKY TOP CABINS SUBDIVISION A TWO LOT RESIDENTIAL SUBSEQUENT MINOR SUBDIVISION LOCATED AT 269 ROCKY LANE, FURTHER DESCRIBED AS PARCEL A, COS 21669 IN THE NE1/4 NE1/4 IN SECTION 7, TOWNSHIP 30 NORTH, RANGE 20 WEST, P.M.M., FLATHEAD COUNTY, MONTANA.

WHEREAS, Herbert Enterprises, LLC, owner/applicant of the subject property, has applied for preliminary plat approval of the Rocky Top Cabins 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-23-02, recommended approval of said subdivision plat with certain conditions; and

WHEREAS, the Planning Department also recommends approval of granting a variance to the road requirements permitting the road to divide Lot 2; and

WHEREAS, the request was considered by the Columbia Falls City-County Planning Board in a public hearing at its regularly scheduled meeting on September 12, 2023, at which the Board adopted Staff Report #CPP-23-02 as findings of fact 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, October 16, 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.

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-23-02 of the Columbia Falls Planning Department is adopted by the Council as findings of fact with respect to said Subdivision Plat approval and subject to the conditions set forth on Attachment "A" as amended by the City Council.

Section Two. Variance. That the Council grants the variance to the road requirements permitting the road to divide Lot 2 as recommended in Staff Report CPP-23-02.

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

Section Four. 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 Five. 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 16th DAY OF OCTOBER 2023, THE COUNCIL VOTING AS FOLLOWS:

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

NOES: None

ABSENT: Robinson

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City Clerk

APPROVED BY THE MAYOR OF COLUMBIA FALLS, MONTANA THIS 16TH DAY OF OCTOBER 2023.

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Mayor

ATTEST:

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City Clerk

## ATTACHMENT "A"

- 1 The applicant shall receive physical addresses in accordance with Flathead County Resolution #1626C. All road names shall appear on the final plat. Street addressing shall be approved by Flathead County:
- 2 The applicant shall comply with all reasonable fire suppression and access requirements of the Columbia Falls Rural Fire District. A letter from the fire chief stating the plat meets the applicable requirements of the District shall be submitted with the application for final plat.
- 3 The internal subdivision road shall be built to a minimum 20-foot paved surface through lot 2 and abutting Lot 1 (CFSR 17.18.090 Table 1). The turn-around shall be approved by the Columbia Falls Fire Chief.
4. The applicant shall provide an updated Flathead County Road Approach permit for the new paved approach.
- 5 All area 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 and implemented shall be submitted with the final plat.
- 6 With the application for final plat, the developer shall provide a compliant Road Users' Agreement per Covenants, Conditions, and Restrictions 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.
- 7 The proposed water, wastewater treatment, and stormwater drainage systems for the subdivision shall be reviewed, as applicable, by the Flathead City-County Health Department and approved by the Montana Department of Environmental Quality.
- 8 The mail delivery site(s) shall be provided with the design and location approved by the local Postmaster of the US Postal Service. A letter from the Postmaster stating that the applicant has met their requirements shall be included with the application for final plat.
9. The following statements shall be placed on the face of the final plat applicable to all lots:
  - a. All addresses shall be assigned by the Flathead County Address Coordinator and be clearly visible from the road, either at the driveway entrance or on the house. Address numbers shall be at least four inches in height per number.

- b. All utilities shall be placed underground.
  - c. Lot owners are bound by the soil disturbance and weed management plan to which the developer and the Flathead County Weed Department agreed.
  - d. Utilize living with wildlife standards provided by Fish Wildlife and Parks
10. All required improvements shall be completed in place or a Subdivision Improvement Agreement shall be provided by the subdivider prior to final approval by the City Council.
  11. The final plat shall be in substantial compliance with the plat and plans submitted for review, except as modified by these conditions.
  12. Preliminary plat approval is valid for three (3) years. The final plat shall be filed prior to the expiration of the three years. Extension requests to the preliminary plat approval shall be made in accordance with the applicable regulations and the following associated timeline(s).
  13. The applicants shall provide Columbia Falls Public Works Department an ArcGIS compatible file of the subdivision at final plat.
  14. The applicant is not subject to a parkland dedication fee in accordance with 17.14.080.D.d which exempts subdivisions creating only one additional lot.
  15. Granting of the requested variance to the Columbia Falls Subdivision Regulations for the subdivision road dividing Lot 2.