



August 28, 2024

Jacob Feistner
Plan4Approval Land Use Consulting
17th Avenue East Suite 202
Polson MT 59860

RE: Parcel A of Reid Minor Subdivision
Lake County
E.Q. #25-1137

Dear Mr. Feistner:

The plans and supplemental information relating to the water supply, sewage, solid waste disposal, and storm drainage (if any) for the above referenced division of land have been reviewed as required by ARM Title 17 Chapter 36(101-805) and have been found to be in compliance with those rules.

Two copies of the Certificate of Subdivision Plat Approval are enclosed. The original is to be filed at the office of the county clerk and recorder. The duplicate is for your personal records.

Pursuant to MAR Notice No. 17-447, ARM 17.36.103 has been amended to no longer require a letter from the Montana Department of Natural Resources and Conservation (DNRC) or for projects within the reservation boundaries, by the appropriate water management board, regarding legal water availability (i.e. water rights) prior to certificate of subdivision approval. Thus, this certificate of subdivision approval does not consider legal water availability, but only the physical presence and properties of water (i.e. quantity and quality). For water rights determinations, contact DNRC or the appropriate management board as the regulatory authority of legal water availability.

Development of the approved subdivision may require coverage under the Department's General Permit for Storm Water Discharges Associated with Construction Activity, if your development has construction-related disturbance of one or more acre. If so, please contact the Storm Water Program at (406) 444-3080 for more information or visit the Department's storm water construction website at <http://www.deq.state.mt.us/wqinfo/MPDES/StormwaterConstruction.asp>. Failure to obtain this permit (if required) prior to development can result in significant penalties.

In addition, your project may be subject to Federal regulations relating to Class V injection wells. Please contact the United States Environmental Protection Agency regarding specific rules that may apply.

Your copy is to inform you of the conditions of the approval. Please note that you have specific responsibilities according to the plat approval statement primarily with regard to informing any new owner as to any conditions that have been imposed.

If you have any questions, please contact this office.

Sincerely,


Shawn Rowland M.S. R.S.
Subdivision Section Supervisor | Engineering Bureau | Water Quality Division

SR/HM
cc: County Sanitarian
County Planning Board (e-mail)
Owner

J-10098

STATE OF MONTANA
DEPARTMENT OF ENVIRONMENTAL QUALITY
CERTIFICATE OF SUBDIVISION APPROVAL

(Section 76-4-101 et seq., MCA)

To: County Clerk and Recorder
Lake County
Polson, Montana 59860

E.Q. # 25-1137

THIS IS TO CERTIFY THAT the plans and supplemental information relating to the subdivision known as Parcel A of Reid Minor Subdivision, located in Section 18, Township 26 North, Range 19 West, P.M.M.,

Consisting of one parcel, of which Parcel A has been reviewed by personnel of the Water Quality Division, and

THAT the documents and data required by ARM Title 17, Section 36 have been submitted and found to be in compliance therewith, and

THAT approval of the Subdivision Plat is made with the understanding that the following conditions shall be met:

THAT the parcel size as indicated on the Subdivision Plat to be filed with the Lake County Clerk and Recorder shall not be further altered without approval, and

THAT Parcel A shall be used for one living unit, and

THAT the proposed water system for Parcel A shall consist of an individual well drilled to a minimum depth of 25 feet constructed in accordance with the criteria established in ARM Title 17, Chapter 36, Sub-Chapters 1, 3, & 6 and the most current standards of the Montana Department of Environmental Quality, and

THAT the individual wastewater treatment system for Parcel A shall consist of a septic tank and drainfield of such size and description as will comply with ARM Title 17, Chapter 36, Sub-Chapters 1, 3 & 6, and

THAT the subsurface drainfield for Parcel A shall be a pressure-dosed absorption area to provide a maximum application rate of 0.3 gallons per day per square foot of drainfield, and

THAT plans and specifications for any proposed wastewater treatment system shall be reviewed and approved by the Lake County Environmental Health Department and will comply with local regulations and ARM, Title 17, Chapter 36, Subchapters 3 and 9, before construction is started, and

THAT the bottom of any drainfield shall be at least four feet above the water table, and

THAT no wastewater treatment system shall be constructed within 100 feet of the maximum high water level of a 100 year flood of any stream, lake, water-course, or irrigation ditch, nor within 100 feet of any domestic water supply source, and

THAT all stormwater shall be retained on the property, and

THAT two stormwater grass swales (11' x 21' x 1.5') and (19' x 19' x 1.5') shall be constructed as shown on lot layout, and

Page Two
Certificate of Subdivision Approval
Montana Department of Environmental Quality
Reid Minor Subdivision – Parcel A
EQ# 25-1137
August 26, 2024

THAT water supply, wastewater treatment, and stormwater management systems shall be located as shown on the approved plans and in the approved application and that there shall be **NO DEVIATION FROM SAID LAYOUT WITHOUT WRITTEN APPROVAL**, and

THAT the developer and/or owner shall provide any purchaser of property with a copy of the approved location of water supply, wastewater treatment, and stormwater management systems and a copy of this document, and

THAT instruments of transfer for this property shall contain reference to these conditions, and

THAT departure from any criteria set forth in the approved plans and specifications and ARM Title 17, Chapter 36, Sub-Chapters 1, 3 & 6 when erecting a structure and appurtenant facilities in said subdivision without Department approval, is grounds for injunction by the Montana Department of Environmental Quality.

Pursuant to Section 76-4-122 (2)(a), MCA, a person must obtain the approval of both the State under Title 76, Chapter 4, MCA, and local board of health under section 50-2-116(1)(i), before filing a subdivision plat with the county clerk and recorder. This certificate of subdivision approval considered the physical presence and properties of water but does not constitute an entitlement to or a representation regarding water rights or the legal availability of water, which is regulated by the Montana Department of Natural Resources and Conservation or for projects within the reservation boundaries, by the appropriate water management board.

You are requested to record this certificate by attaching it to the Subdivision Plat filed in your office as required by law.

DATED the 26th day of August, 2024.

By: *Diana Duke*
Diana Duke, P.E.
Certified Subdivision Reviewer
Lake County Environmental Health Department

County Number: 24
Owner's Name: Reid Schulein, LLC

Sonja Nowakowski,
Director
By: *Shawn Rowland*
Shawn Rowland, Subdivision Section Supervisor
PWS & Subdivision Section
Engineering Bureau
Water Quality Division
Department of Environmental Quality

Reviewed by the Local Reviewing Authority
Under contract with the
Department of Environmental Quality
Naresh Kumar S. August 26, 2024
Local Reviewer Date

Accepted under contract
Dee S. Smith 8-28-2024
DEQ Representative Date

Notes:

Other than those shown, no existing or approved wells, drainfields or mixing zones are located within 100-feet of property lines.

There are no known potential sources of contamination, other than drainfields, within 500-feet of the proposed well.

Stormwater drainage:

The area around the drainfield is to be graded so stormwater drains away from the drainfield.

Residences are to be built above grade and graded so stormwater drains away from impervious surfaces and towards the grass swale designed for the lot.

The driveway and surrounding area are to be graded so that resulting stormwater flows towards the grass swale.

The owner is responsible for directing stormwater towards the grass swales for the residence and driveway on each lot.

Storm Drainage Maintenance Plan:

The following is provided as the storm drainage maintenance plan as required by ARM 17.36.310.

The drainage maintenance requirements including the maintenance schedule is as follows:

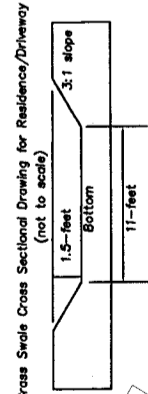
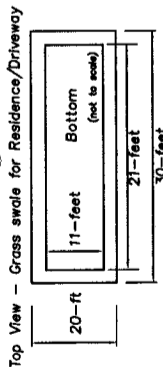
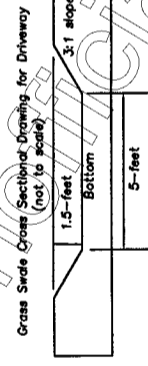
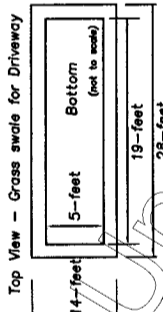
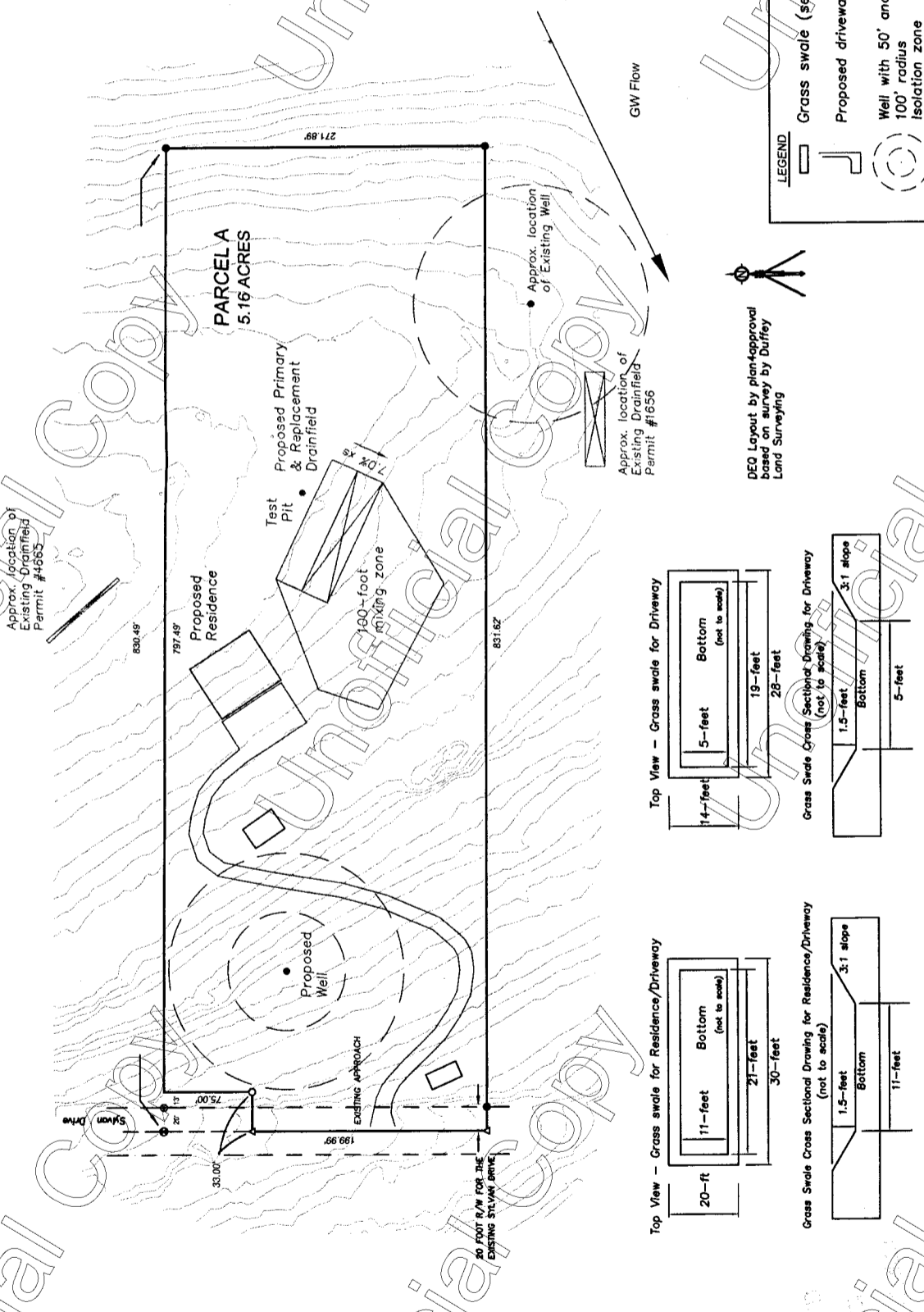
The responsible entity should walk the site to look for any signs of storm drainage malfunctioning on a monthly basis. Signs of storm drainage issues include ponding, signs of ponding such as water staining or vegetative differences due to saturation, and overflow of clogged eave gutters on structures. Any signs of potential storm drainage failure should be investigated and fixed promptly.

Building gutters are to be kept free of debris to allow proper function and drainage of roof runoff. Gutters should be cleaned for proper flow seasonally.

The entity responsible for implementation of this plan is the landowner or someone designated by them.

LEGEND

- Grass swale (see detail)
- Proposed driveway
- Well with 50' and 100' radius isolation zone
- Soil test pit location
- Primary Drainfield location
- 100% Replacement Area
- 100' Mixing zone



plan4approval
Land Use Consulting



Landowner: Reid Schuilein, LLC
Scale: 1 inch = 100 feet
Date: August 5, 2024
Drawn By: JSF

Parcel A on the Amended Subdivision
Plat of Lot 13, Block 3, Floweree's
Orchard Tracts within S18, T26N, R19W,
Lake County

MDEQ layout for the
Reid Minor Subdivision



Lake County
Commissioners

406-883-7204

LAKE COUNTY

106 4th Ave.

Polson, Mt. 59860

July 18, 2024

Jacob Feistner
plan4approval
1 – 7th Avenue E, Suite 202
Polson, MT 59860

Re: Conditional Approval of Reid First Minor Subdivision

Dear Mr. Feistner,

On July 16, 2024, the Board of Lake County Commissioners held a public meeting on the Reid First Minor Subdivision request to consider the first minor subdivision, and density deviation. The subject property is described as Parcel A (Remainder) on the Amended Plat of Lot 13, Block 3, Flowerree's Orchard Tracts in Section 18, T26N, and R19W, Lake County, Montana. At the conclusion of the meeting, the Board of Commissioners voted 3 - 0 to adopt the staff report and findings of fact, to grant preliminary approval subject to all proposed conditions as modified at the public meeting.

Following each condition of approval in parentheses is the reason for the condition and evidence that justifies that condition. The proposal was reviewed under the criteria set forth in Title 76 Chapter 3, Montana Code Annotated and the Lake County Subdivision Regulations (effective July 1, 2010, Res. #10-15). If you wish to appeal this decision, you may file an action in district court according to the provisions of the Montana Code Annotated (MCA) 76-3-625.

Conditions of preliminary approval:

1. The final plan and specifications of all improvements shall meet all applicable design and improvement standards and any other requirements of the Lake County Subdivision Regulations (effective July 1, 2010, Res. #10-15) and the Montana Uniform Standards for Final Subdivision Plats, as applicable. [*LCSR, Montana Subdivision and Platting Act (MSPA)*]
2. The water supply, wastewater treatment, stormwater and solid waste disposal systems shall be reviewed by the Montana Department of Environmental Quality (MDEQ) and the Lake County Environmental Health Department. The approval shall be filed with the Lake County Clerk & Recorder prior to or concurrent with the filing of the final plan. [*LCSR X.T, X.U, X.K and X.X.V*]
3. Prior to submitting water supply, wastewater treatment, stormwater and solid waste disposal to MDEQ and the Lake County Environmental Health Department, the applicant shall obtain from the Planning Department copies of all public comments regarding the proposed water supply, wastewater treatment, stormwater and solid waste disposal plans, and include these comments in the submittal to MDEQ and the Environmental Health Department. [*MSPA*]
4. The final plat shall depict the width and purpose of any easements, including the county road right-of-way, and utility easements. [*LCSR Sections X.I, X.W, X.X and XX.DD, Staff Report VIII, Findings*]

5. All new power and telephone utilities shall be installed underground to each lot in accordance with Section X.W of the subdivision regulations prior to final plat. (*Staff Report VII.J, Findings of Fact 3 and 5, LCSR Section X.W*)
6. The utility easement and the service provider right-to-access statement found in Section X.W.9 of the subdivision regulations shall appear on the final plat. (*Staff Report VII.J, Finding of Fact 3, LCSR Section X.W.9*)
7. Future lot owners are required to waive their right to protest the formation of a Rural Improvement District related to access and drainage improvements that will benefit the future owners.
8. All documents required by Appendix A and any other portion of the subdivision regulations and as required in these conditions of approval shall be filed or recorded prior to or concurrent with the recording of the final plat. (*LCSR*)
9. The dust control plan must be filed with the final plat and implemented during periods of construction. (*Findings of Fact 1, & 3VII, LCSR Section XI.9*).
10. Prior to recording the final plat, the subdivider shall provide the Planning Department with evidence of donating \$100 per lot to the Fire Department to be used by the department as discretionary funds. (*Staff Report VII.O, Findings of Fact 3*)
11. Prior to the final plat, a bus plan shall be submitted, reviewed and approved by the School District. Any required easements for a turnaround, if applicable, shall be shown on the final plat, and any infrastructure shall be installed prior to recording the final plat.
12. Prior to filing the final plat, a mail plan shall be submitted, reviewed, and approved by the Bigfork Postmaster. Any required infrastructure shall be installed prior to recording final plat. (*Staff Report VII.O and Findings of Fact 3*)
13. The original Noxious Weed Management Plan approved by the Lake County Weed Control District and signed by the property owner shall be filed with the final plat. (*LCSR Section X.BB*)
14. The owner is to file a signed disclosure and indemnification statement along with the final plat or put a disclaimer of the face of the plat itself that states the following "*Lake County cannot assure water users, including this Applicant/Permittee, that they have any specific legal right to use water on the Flathead Reservation and Lake County shall be held harmless if future lot owners within the platted subdivision cannot legally access or use water.*" (*Staff Report*)

Perpetual conditions:

15. The development of this subdivision shall be in accordance with the general design, information, and agreements provided in the preliminary submittal and this report, except as modified by the conditions of approval. (*LCSR*)
16. A building notification permit issued by the Lake County Planning Department is required prior to developing to ensure compliance with the sanitation and subdivision approvals, including but not limited to compliance with the sanitation approval statement, the subdivision approval requirements, and the placement of utilities underground. (*LCSR Section II.T*)
17. Upon development, all approved water supply, wastewater treatment, and stormwater management techniques shall be implemented, and all infrastructure shall be installed according to the approved

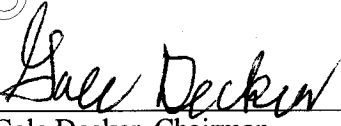
specifications as detailed in sanitation approval statement(s) filed with the Lake County Clerk & Recorder. (*Lake County Environmental Health Regulations*)

18. All new utilities must be placed underground. Underground utilities, if placed in the road right-of-way, must be located between the roadway and the right-of-way line to simplify location and repair of lines. (*LCSR Section X.W*)
19. All residential buildings within this subdivision shall be restricted to a maximum average height of 30 feet. (*Findings*)
20. All current and future lot owners shall properly dispose of solid waste. All construction waste associated with developing the property be hauled to the Lake County landfill for proper disposal and not dumped illegally at container sites or elsewhere. (*LCSR Section X.V, Staff Report VII.O & VII.Y, Findings*)
21. The future owners shall obtain a county-issued rural address located by Global Positioning System pursuant to Lake County adopted standards in order to be incorporated into the Lake County enhanced-911 database at the time of development of the lot. (*Lake County Resolution #07-41*)
22. The physical address shall be prominently displayed at a location on the property that will allow visibility from the primary access to the property for emergency vehicles. (*Lake County Resolution #07-41*)
23. Cats, dogs and other common household pets may be kept provided they are contained to the owner's property or under the direct control of the owners. Such animals must be kept within a properly fenced enclosure, structure or kennel or other means that ensure that the animal is restricted or confined to the owner's property when not on a leash or otherwise under the direct control of their owner. All subdivision lot owners further understand and agree that adjacent landowners may take whatever action is necessary to maintain their farm and ranch activities, including, without limitation, the right to protect their livestock from harassment by pets. (*76-3-608(3)(c), effect on agriculture*)
24. If any cultural, archaeological, historic, or paleontological sites are discovered during construction, all work will cease, and the subdivider and/or future lot owners will contact the Montana Historic Preservation Office to determine if the find constitutes a cultural resource and if any mitigation or curation is appropriate. (*LCSR*)
25. Lot owners are required to manage and control weeds within their lot boundaries in accordance with the local and State weed laws and any existing weed management plans for the subdivision or its lots. (*LCSR*)
26. Lot owners are encouraged to contact the Montana Fish Wildlife and Parks office to obtain information about living safely near wildlife (*Staff Report VII.O, and Findings of Fact 3.V and 3.VI*).

This recommendation for approval is for the revocation of the agricultural covenant on Parcel A (Remainder) on the Amended Plat of Lot 13, Block 3, Flowerree's Orchard Tracts, located within Section 18, Township 26 North, Range 19 West for the development of a single-family residence and associated agricultural and residential improvements. This approval allows for Parcel A to be developed with one (1) single-family residential "unit" in compliance with Appendix C of the Lake County Growth Policy. All developments must comply with all applicable sanitation regulations. This approval is not for commercial, two families, mutli family, short term rental housing, industrial, or any

form or rent or lease development. Any other use besides single family residential would require additional review and approval from Lake County.

Conditional approval will expire three (3) years from the date of preliminary approval unless the subdivider and Board of Lake County Commissioners agree to an extension.


Gale Decker, Chairman


Steve Staley, Commissioner


William Barron, Commissioner

FINDINGS OF FACT
Reid FIRST MINOR SUBDIVISION
JULY 18, 2024

The proposal was evaluated by the Lake County Board of Commissioners in consideration of the criteria set forth in the Montana Subdivision and Platting Act and the Lake County Subdivision Regulations. After review of the proposed subdivision, application, and related submittal information, the Lake County Board of Commissioners propose the following findings of fact:

1. Relevant evidence relating to public health, safety and welfare

The application and this report provide the record of the relevant evidence related to public health, safety and welfare including:

- a. The subdivider has proposed water supplies, wastewater treatment systems, and stormwater management to serve the tract, which shall be reviewed and approved by the Lake County Environmental Health Department/DEQ if this subdivision were to obtain preliminary approval.
- b. A dust control plan shall be filed with the final plat.
- c. The applicant will be required to provide evidence of \$100.00 per lot payment to the applicable rural fire department.
- d. A school bus plan is required to be created and approved prior to the final plat.
- e. A mail plan will be required to be created and approved prior to the final plat.
- f. Lot owners will be required to obtain a Building Notification Permit to assure compliance with subdivision and sanitation requirements.
- g. Staff has proposed a perpetual condition requiring lot owners acquire an address issued by Lake County visibly on their lot;
- h. Staff has proposed that a statement regarding water rights be filed with the final plat or on the face of the final plat; and
- i. Noxious weeds are required to be managed in compliance with a weed plan approved by the Weed Control District, in addition to all applicable local and state laws.

2. The Lake County Growth Policy

The Lake County Growth Policy is a general policy document that meets the requirements of 76-1-601, MCA and was adopted on August 21, 2018. Goals and Objectives can be met if the

subdivision conforms to all the provisions of the Lake County Subdivision Regulations, and conditions of approval for the subdivision.

3. The primary review criteria for subdivisions:

I. Effect On Agriculture:

1. Definition:

Agriculture is defined as the historic or current use of land for the production, keeping or maintenance, for sale, lease or personal use, of plants, animals useful to man, including but not limited to: forages and sod crops, grains and seed crops, dairy animals and products, livestock of all kinds, bees and apiary products, trees and forest products and fruits of all kinds. This does not include land used for mineral extraction. *(LCSR Section XI)*

2. Findings:

While the property was created by way of an agricultural exemption, it does not appear to be prime farmland. The removal of the agricultural restriction will not create any additional lots. Limited additional impacts are expected.

II. Effect On Agricultural Water User Facilities:

1. Definition:

Agricultural water users' facilities are defined as those facilities that provide water for irrigation or stock watering to agricultural lands for the production of agricultural products. These facilities include, but are not limited to, ditches, head gates, pipes, and other water conveyance facilities. *(LCSR Section XI)*

2. Findings:

The subject property has an existing irrigation water right from DNRC. No changes to the water right are being proposed as no additional lots are being created. No expected effects on agricultural water user facilities.

III. Effect On Local Services:

1. Definition:

Local services are defined as any and all services that local governments, public or private utilities are authorized to provide for the benefit of their citizens. These services include, but are not limited to, law enforcement, fire protection, water supply, recreation, streets and roads, parks, libraries, schools, wastewater, electrical and telephone service and solid waste collection and disposal. *(LCSR Section XI)*

2. Findings:

Comments were received from the Lake County Sheriff's Office, Flathead Electric, CenturyLink, The Lake County Road Department, the Lake County Weeds Department, and the Montana Historical Society. None of those entities had concerns regarding the division.

Comments were requested from the Montana Fish Wildlife and Parks, Bigfork Fire Department, Bigfork Postmaster, Bigfork School District, and Lake County Solid Waste. No response was received from the above-listed entities.

If future utilities will be required to be installed and extended underground in accordance with the subdivision regulations and to the requirements of the utility companies, the impact on local utility service providers should be minimal. If a mail plan is approved by the postmaster prior to final plat, a donation is made to the local fire department, all trash and construction waste is disposed of properly, and addressing is required for emergency services, the effects on local services should be minimal.

IV. Effect On the Natural Environment:**1. Definition:**

These are the physical conditions which exist within a given area, including land, air, water, minerals, flora, fauna, sound, light and objects of historic and aesthetic significance. (LCSR Section XI)

2. Findings:

The subject property does not contain any wetlands. A septic system, well, and driveway are the only new infrastructure being proposed as part of the lifting of the agricultural exemption.

V. Effect On Wildlife:**1. Definition:**

Wildlife is defined as all birds, mammals, amphibians, reptiles and fish that are not domesticated or tamed. (LCSR Section XI)

2. Findings:

The subdivision may be used by wildlife and such a use could continue following the division. Montana Fish Wildlife and Parks was reached out to for comment; however, no response was provided. New property owners are encouraged to contact Montan FWP for information regarding safely living with wildlife in the area. Due to the fact that no additional lots are being created, it is unlikely that additional impacts on wildlife will take place.

VI. Effect On Wildlife Habitat:**1. Definition:**

Wildlife habitat is defined as the land and water that provides food and shelter for wildlife. Wildlife habitat can be defined as crucial or significant. (LCSR Section XI)

2. Findings:

Because the property is surrounded by a number of homes there should not be a significant impact on wildlife habitat. New property owners are encouraged to contact Montan FWP for suggestions on how to safely live with wildlife in the area. Effects on wildlife habitat are expected to be minimal.

VII. Effect On Public Health And Safety:**1. Definition:**

Public health and safety is defined as the prevailing healthful, sanitary condition of well being for the community at large. Conditions that relate to public health and safety include but are not limited to: disease control and prevention; emergency services; environmental health; flooding, fire or wildfire hazards, rock falls or landslides, unstable soils, steep slopes, and other natural hazards; high voltage lines or high pressure gas lines; and air or vehicular traffic safety hazards. (LCSR Section XI)

2. Findings:

No floodplains or other natural or manmade hazards exist on the property. The applicant will be required to acquire an address from Lake County that is recorded in the E-911 database. The lot owner will also be required to complete and record a dust control plan for periods of construction, obtain a Building Notification Permit prior to construction to ensure compliance with the sanitation and subdivision approvals. If these steps are taken, the effects to public health and safety should be minimal.

4. **Whether the plat conforms to the provisions of:**

a. **The Montana Subdivision and Platting Act:**

The preliminary plat itself would conform to all the provisions of the Montana Subdivision and Platting Act if the final plat meets state survey requirements, which will be determined when it is reviewed by the Lake County Examining Land Survey prior to final plat approval.

a. **Lake County Subdivision Regulations:**

If the preliminary plat and associated documents are recorded as recommended within the conditions of approval, the subdivision would reasonably comply with the requirements of the subdivision regulations.

c. **The Local Zoning Regulations:**

The subject property is not within a zoning district.

d. **Other regulations in effect in the area of the proposed subdivision:**

Other regulations in effect include the Lake County Rural Addressing Resolution and the Sanitation in Subdivisions Act. The Addressing Resolution will require all lots within the subdivision to be located by a Global Positioning System (GPS) and be incorporated into the County's E-911 program. The Sanitation in Subdivisions Act governs water supply, sewage disposal, and stormwater runoff within subdivisions. The Lake County Environmental Health Department and/or MDEQ will review the subdivision after preliminary plat approval and the final plat approval will require evidence of compliance with the sanitation regulations.

5. **Provision of easements for the location and installation of any planned utilities:**

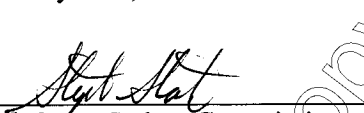
Any easements being proposed are required to be shown on the final plat. It does not appear that any new easements are required.

6. **Provision of legal and physical access to each parcel:**

Legal and physical access would be provided via Sylvan Drive to the proposed home location. An approach is already in existence. Development of the Tract is not expected to have a significant impact on access, traffic, or public roadways as no new accesses are being proposed.

These findings of fact associated with the Reid First Minor Subdivision are hereby adopted by the Board of Lake County Commissioners on July 16th, 2024.


Gale Decker, Chairman


Steve Staley, Commissioner


William Barron, Commissioner

Cc: Reid Schulein LLC, P.O. Box 805, Livingston, MT 59047



First American Title™

613713

10/30/2024 01:45 PM Page 12 of 22

Form 5010500 (7-1-14)

Guarantee Number: 501055-1136138-PO

Guarantee Face Page

Issued By

FIRST AMERICAN TITLE INSURANCE COMPANY



First American Title™

First American Title Insurance Company

Dennis J. Gilmore, President

Greg L. Smith, Secretary

This jacket was created electronically and constitutes an original document



First American Title

Guarantee

Subdivision Guarantee

ISSUED BY

First American Title Insurance Company

GUARANTEE NUMBER

5010500-1136138-PO

Subdivision or Proposed Subdivision: TBD

Order No.: 1136138-PO

Reference No.:

Fee: \$150.00

SUBJECT TO THE EXCLUSIONS FROM COVERAGE, THE LIMITS OF LIABILITY, AND OTHER PROVISIONS OF THE CONDITIONS AND STIPULATIONS HERETO ANNEXED AND MADE A PART OF THIS GUARANTEE, FIRST AMERICAN TITLE INSURANCE COMPANY, A CORPORATION HEREIN CALLED THE COMPANY GUARANTEES:

Plan4Approval

FOR THE PURPOSES OF AIDING ITS COMPLIANCE WITH LAKE COUNTY SUBDIVISION REGULATIONS, in a sum not exceeding \$5,000.00.

THAT according to those public records which, under the recording laws of the State of Montana, impart constructive notice of matters affecting the title to the lands described on the attached legal description:

Parcel A (Remainder) of the Amended Subdivision Plat of Lot 13, Block 3, Flowerree's Orchard Tracts, according to the map or plat thereof on file in the office of the Clerk and Recorder of Lake County, Montana.

(A) Parties having record title interest in said lands whose signatures are necessary under the requirements of Lake County Subdivision Regulations on the certificates consenting to the recordation of Plats and offering for dedication any streets, roads, avenues, and other easements offered for dedication by said Plat are:

Reid Schulein, Inc., a Montana Limited Liability Company

(B) Parties holding liens or encumbrances on the title to said lands are:

(C) Easements, claims of easements and restriction agreements of record are:

1. County road rights-of-way not recorded and indexed as a conveyance of record in the office of the Clerk and Recorder pursuant to Title 70, Chapter 21, M.C.A., including, but not limited to any right of the Public and the County of Lake to use and occupy those certain roads and trails as depicted on County Surveyor's maps on file in the office of the County Surveyor of Lake County.
2. 2024 taxes and special assessments are an accruing lien, amounts not yet determined or payable.

The first one-half becomes delinquent after November 30th of the current year, the second one-half becomes delinquent after May 31st of the following year.

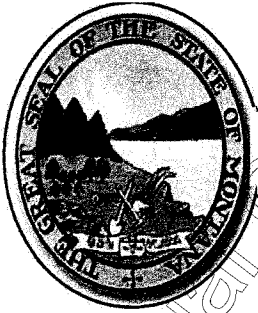
General taxes as set forth below. Any amounts not paid when due will accrue penalties and interest in addition to the amount stated herein:

Year	First Half / Status	Second Half / Status	Parcel Number	Covers
2023	\$1,253.72 Paid	\$1,253.70 Paid	14931	Subject Land
Supplemental 2023 Tax Bill		Amount / Status	Parcel Number	Covers
		\$98.42 Paid	14931	Subject Land

- Reservations in United States Patent, recorded in Book I, of Deeds, Page 41.
- All matters, covenants, conditions, restrictions, easements and any rights, interests or claims which may exist by reason thereof, disclosed by CERTIFICATE OF SURVEY NO. 3146 recorded October 26, 1979, as Instrument No. 251433, but deleting any covenant, condition or restriction indicating a preference, limitation or discrimination based on race, color, religion, sex, handicap, familial status, or national origin to the extent such covenants, conditions or restrictions violate 42 USC 3604(c).
- Covenants, Conditions and Restrictions recorded as 251434, but omitting any covenant, condition or restriction based on race, color, religion, sex, handicap, familial status, or national origin to the extent that such covenants, conditions or restrictions violate 42 USC 3604(c).
- All matters, covenants, conditions, restrictions, easements and any rights, interests or claims which may exist by reason thereof, disclosed by AMENDED SUBDIVISION PLAT OF LOT 13, BLOCK 3, FLOWERREE'S ORCHARD TRACT, SW¼ SECTION 18, T26N, R19W, P.M.M., LAKE COUNTY, MONTANA, recorded September 06, 2000, as Instrument No. 410543, but deleting any covenant, condition or restriction indicating a preference, limitation or discrimination based on race, color, religion, sex, handicap, familial status, or national origin to the extent such covenants, conditions or restrictions violate 42 USC 3604(C).

Date of Guarantee: September 23, 2024 at 7:30 A.M.

By: 
Authorized Countersignature



Lake County Road dept.

406-883-7206

Fax (406) 883-7283

LAKE COUNTY

106 4th Ave. E.

Polson, Mt. 59860

APPLICATION AND PERMIT FOR ROAD APPROACH ON LAKE COUNTY ROADS/RIGHT OF WAY

PERMTEE NAME: Reid Schulein, LLC		MAILING ADDRESS: PO BOX 805, Livingston MT, 59047	
A MAP SHOWING THE LOCATION OF THE PROPOSED APPROACH OR IMPROVEMENT TO EXISTING APPROACH MUST BE ATTACHED. PLEASE DESCRIBE HOW LOCATION WILL BE MARKED (RIBBON, STAKE, ETC.) FOR REVIEW. See attached map, the plan is to use the location of an existing gate			
CHECK APPROPRIATE BOX		<input type="checkbox"/> NEW	<input checked="" type="checkbox"/> EXISTING Gate is existing
SECTION	18	TOWNSHIP	26N RANGE 19W
INDICATE PURPOSE OF APPROACH (RESIDENCE, SUBDIVISION, FARM/ FIELD, ETC.) The approach has been used to access an orchard. The property is now proposed to be developed with a driveway and residence.			
PLEASE WRITE THE NAME OF THE ROAD IN WHICH YOU ARE APPROACHING: Sylvan Drive			

Lake County hereby grants conditional authorization to above named Permittee to construct and maintain an approach on a County public roadway or right of way providing the following requirements are adhered to:

1. Lake County Road Dept. Supervisor will be notified before the start of work and all work will be done under the supervision of the Road Supervisor. Minimum approach width shall be 12 feet for farm/ field or single residential and 24 feet for commercial or multiple residential.
2. Permittee shall construct and maintain at his sole expense the approach as described by this permit and the attached sketch. If work completed under this permit interferes with normal drainage of the county road, Permittee will modify as directed by the County to insure proper drainage.
3. This approach shall be constructed with non-settling materials and compacted as placed to the level of the adjoining roadway shoulders. Side slopes shall be as shown on the attached sketch and surface shall be graded to prevent water from flowing onto County roadway. All excess material and debris shall be removed and roadside left in a neat and presentable condition satisfactory to the County.
4. The County reserves the right to make future improvements or reconstruct the roadway which may necessitate changes or alterations to Permittee approach as determined by the County.
5. The Permittee will follow accepted procedures for flagging, signing, and other means necessary for the protection of the public during the construction period.

REVOCACTION:

This permit may be revoked by the County giving 5 days' notice by ordinary mail, directed to the address shown above, but the County reserves the right to revoke this permit without giving said notice in the event permittee breaks any of the conditions or terms set forth herein. This approach permit is valid only if construction is completed within six months from the date of issue.

The above conditions will be binding and are hereby acknowledged and accepted by the execution of this application and permit. Any conditions associated with this permit are attached and part of this permit.

Permittee Reid Schulein, LLC

Mailing Address PO BOX 805, Livingston MT, 59047

Phone: 406-224-1918

Email reid.genevieve@gmail.com

PLEASE EMAIL A COPY OF THE APPROVAL TO office@plan4approval.land

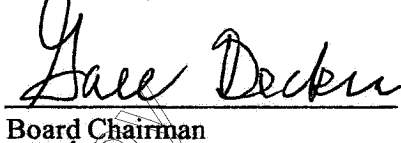
Date 8-20-2024



Lake County Road Supervisor

Date: 8/26/2024

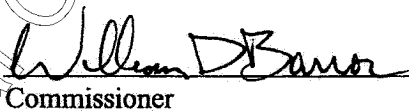
Lake County Commissioners



Board Chairman



Commissioner



Commissioner

Date 08/27/2024

After Recording return to:
 Reid Schulein LLC
 PO BOX 805
 Livingston MT, 59047

Final Subdivision Plat Noxious Weed Management Plan and Agreement

(To be completed and approved. Original plan and agreement shall be submitted for recordation with the Final Subdivision Plat.)

This agreement form is intended to implement management techniques as required by "The Montana Weed Management Plan" and "The Lake County Noxious Weed Management Plan" for the subject property during the review of the Subdivision Application and Preliminary Plat. This agreement is made between the Landowner and the Lake County Weed District and shall transfer to heirs and assigns.

1. Landowner: Reid Schulein, LLC
 Legal Description of Property: Section 18 Township 26 N Range 19 W
 Subdivision Name: SP #
2. Attach a site plan of the property showing property lines, waterways, and all existing as proposed improvements including roads, structures, etc. (The site plan should be created at a size and scale appropriate to adequately convey the required information.)
3. Attach an overlay to the site plan showing all weed infested areas, the type of weeds, and the percent infested for each area. The weed infested areas can be numbered to correspond to the chart below.
4. Fill out the following landowner responsibility chart describing the method of weed management in each weed infested location shown on the site plan for the property (i.e. If same weed occurs in upland and riparian area, appropriate control method might differ in riparian area). If additional space is needed attach as separate sheets and reference in chart:

Type and location of Weed to be controlled	Management Techniques * (Please be specific and include as much information about technique as possible)	The time of year management will start and the interval in which it shall take place	Number of years management will occur
Canada Thistle	Rifle-D 1-2 quarts per acre and some mowing	Spring and/or fall	Until Controlled
Hawkweed Complex	Duracor 16-20 oz per acre and some mowing and grazing.	Spring and/or fall	Until Controlled
Houndstongue	Rifle-D 1-2 quarts per acre Some mowing and hand pulling	Spring and/or fall	Until Controlled
Oxeye Daisy	Duracor 16-20 oz per acre and some mowing and grazing.	Spring and/or fall	Until Controlled
Spotted Knapweed	Duracor 12-16 oz per acre, and some hand pulling	Spring and/or fall	Until Controlled

***Common Management Techniques include:**

- | | | |
|---|--------------------------------|-------------------------|
| 1. Landscaping | 2. Mowing | 3. Hand Pulling |
| 4. Cultivation | 5. Re-vegetation/Reseeding | 6. Seed Mix/Rate/Timing |
| 7. Grazing (Sheep/Goats) | 8. Bio-control (Insects/Fungi) | |
| 9. Herbicides (please list brand/rate/timing) | | |

5. The purpose of this agreement is to emphasize prevention of noxious weed infestation on the property as it is the most direct, effective and cost effective method of weed management.
6. General Duties and Responsibilities of Landowners:
- Prior to entering the subject property, all construction equipment and trucks moved from noxious weed infested areas shall be cleaned of contaminated soil or noxious weed seeds.
 - All areas of the property where development and/or soil disturbance occurs that results in exposed soil conditions shall be given immediate treatment to prevent any establishment and/or spread of noxious weeds. Activities that result in soil disturbance include but are not limited to, access road development, utility installation, building construction, and/or landscaping.
 - Treatment shall include seeding and/or planting with regular watering and fertilization. All seed used for this purpose should be certified as noxious weed seed free. The landowner shall create a maintenance schedule for the disturbed areas to ensure the establishment and continuance of competitive weed free vegetation. Disturbed slope areas shall be re-graded and provided additional consideration in treatment techniques for adequate establishment of weed free vegetation.
 - Storage of clean topsoil on the site shall be protected in specifically prepared areas that are free of weeds and weed seeds. Weed contaminated topsoil shall be stored separately and, if stored more than one growing season, must be tilled regularly or covered with a plastic mulch to prevent the establishment of germinating weed seed.
 - That organic materials used for surface mulch, erosion control or frost protection shall be obtained from noxious weed free sources.
 - All landowners are encouraged to discuss their land management plans and alternative options with the Weed District Coordinator.
 - All landowners are encouraged to follow this plan after it expires to ensure compliance with state and county noxious weed management requirements.
7. The Landowner agrees that where mowing is done, careful site-specific consideration shall be given to timing, so that in any given area, weeds will be mowed when they are most vulnerable, and immature enough to preclude production of viable seed. This will reduce the hardiness of the plants, inhibit re-growth, and thereby reduce weed production. Hand pulling of selected weeds on selected sites will be considered to control small infestations in sensitive areas.
8. If the management plan includes the use of herbicides, the landowners agrees to the application of the herbicide to reduce and or remove existing noxious weed populations unless an alternative management method is reviewed and approved by the Lake County Weed District Coordinator.

Dust Control Plan – during and after development (as applicable)

Water Application Practices

Water application shall be used to suppress or mitigate the generation of dust or odors during excavation, backfilling, grading, and supplemental activities.

- Water will be applied by a water truck to carpet the targeted soil using a fine spray;
- Where applicable, water will be applied in the same manner to suppress dust on permanent and temporary haul roads, stockpiles, and areas undergoing the aforementioned activities;
- A direct spray may also be applied through the use of a fire hose and hydrant for more targeted dust mitigation at the Site.

Stockpile Management Practices

Additional practices shall be implemented for the control and mitigation of dust from the temporary stockpiles created during soil grading:

- Stockpiles shall be maintained to avoid steep sides or faces;
- During periods of inactivity as deemed necessary by the prevailing wind conditions, the soil stockpile shall be covered; and
- Stockpiles shall not be placed within 25 yards of off-Site occupied buildings.

Grading Practices

The following grading practices shall be followed to minimize dust generation:

- Construction excavators will be emptied slowly;
- Direct water spraying shall be directed at the load buckets and excavation face; and
- Drop height from the loader bucket shall be minimized.

Vehicular Practices

The following vehicular practices shall be followed to minimize dust generation:

- Prior to loading or unloading at the Site, all trucks will be staged on-Site as much as possible to avoid potential impacts on the local streets;
- Trucks will keep idling to a minimum to avoid unnecessary exhaust fumes;
- While on-Site, all vehicles are required to maintain slow speeds, e.g., less than ten miles per hour (10 mph), for safety purposes and for dust control measures;
- Vehicular traffic in non-designated travel areas shall be minimized;
- The size of the vehicle staging areas shall be limited;
- The trucks will remain on clean areas to the extent possible in an effort to minimize the need to decontaminate the truck tires; and
- All haul trucks shall be covered with tarps prior to relocating soil at the Site as deemed necessary.

NOTE

RECEIPT

DATE 9/16/24 NO. 9342

RECEIVED FROM plan4approval Land Use Consulting

ADDRESS 17th Ave E. Ste. 202
Polson, MT 59860

\$ 100.00

OR one hundred dollars and 00/100

Check # 1448

ACCOUNT		HOW PAID	
AMT. OF ACCOUNT		CASH	
AMT. PAID		CHECK	<u>100 00</u>
BALANCE DUE		MONEY ORDER	

BY [Signature]

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Bigfork Fire Department
810 Grand Drive
Bigfork, Mt 59911
406-837-4599

Unofficial Copy



plan4approval

Land Use Consulting

1 7th Ave East, Suite #202, Polson, MT 59860

Fire prevention and control plan

The subdivision will be planned, designed, constructed and maintained so as to minimize the risk of fire and to permit the effective and efficient suppression of fires in order to protect persons, property and forested areas.

Proposed measures include:

1. The placement of structures will be to minimize the potential for flame spread and to permit adequate access for firefighting equipment.
2. The landowners are encouraged to work with and support firefighting facilities in the vicinity of the subdivision and implement suggestions from the fire department that may facilitate firefighting on the property, when deemed reasonable. The fire department did not express any specific concerns that the proposed project will not impact their ability to provide fire suppression service to the property.
3. The subject property is located within a fire protection district which provides services adequate to respond to fires that may occur within a subdivision. The developer has donated funds to the Bigfork Fire Department to be used as discretionary funds to aid with continued firefighting in the area.
4. The subdivider and future landowners are encouraged to implement "firewise" development standards including using fire resistant roofing materials, using defensible space requirements, prominently displaying house numbers, keeping vegetation mowed and/or maintained, etc.



Phone:
(406) 515 - 9113



Email:
office@plan4approval.land



Website:
www.plan4approval.land