



ENGINEERING, REIMAGINED

Preliminary Engineering Report

Somers County Water & Sewer District

Somers, Flathead County, Montana

2415-00138

May 2025

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1. Executive Summary

The Somers County Water and Sewer District (PWISD #MT0000332) supplies water to the community of Somers, Montana, which is located on the northwest corner of Flathead Lake. Potable water delivered by the Public Water System (PWS) is utilized by the approximately 750 people in the area. Wastewater from the service area is treated by Lakeside County Water and Sewer District, and individual septic systems.

The Somers County Water and Sewer District (SCW&SD) contracted with KLJ Engineering, LLC to assist in preparing a Preliminary Engineering Report (PER) for the domestic drinking water system. The PER documents the study, conclusion, and recommendation for the District and the requirements of the State and Federal regulations for the 20-year planning period. In addition, this PER evaluates the effects of potential infill areas and the county population growth to determine if the existing system can function with the growing population. A summary of the project background and recommended improvements are presented in the Executive Summary with further documentation provided throughout the document.

1.2 Existing Facilities and System

The existing system contained approximately 34,000 linear feet of 6", 8" and 10" water main. There are two existing wells that are used for the distribution system. One well is located on Pavillion Hill and the other is located near the Yacht club near the lake. Both wells produce around 290 gallons per minute (GPM) according to the water operator. There is an existing 500,000-gallon storage tank that was installed in 2021. The Somers County Water and Sewer District has multiple water rights including two for the ground water wells and another water right to pull surface water from Flathead Lake. A map of the water rights can be found below in Figure 2.1.2. There is an existing elevated water tank, however the tank has been taken off the system and is no longer used for water storage.

1.3 Need for Project

The existing water system will not be able to meet future demands of the system with a 20-year planning period. The distribution system is plagued by aging infrastructure causing leaks in the system and breaks in previous years. This preliminary engineering report's intention is to look at alternatives the District can utilize to meet the future demands of the area and resolve any deficiencies in the system.

1.4 Alternatives Considered

The first alternative that was considered was taking no action to address any potential deficiencies. This alternative is discussed in length in section 5, but no action was not considered further. The second alternative was to install a smaller capacity well with a shallow pumping depth. This would address the deficiencies of the system but potentially compromise the quality of the water in the distribution system. The third alternative that is being proposed is to install a deeper well in close proximity to the existing 500,000 gallon storage tank. This was chosen as the preferred alternative for multiple reasons such as feasibility, health and safety and sustainability considerations. The fourth alternative proposes using the existing water right to pump surface water from Flathead Lake but was not considered further due to the contamination of the lake from the tie plant. The fifth alternative aims to replace the remaining cast iron water mains with new polyvinyl chloride (PVC) water main and reroute the existing water lines from the pump houses to the distribution system. This alternative was also selected to reduce the amount of water leaking from the system and to potentially reduce maintenance issues.

1.5 Recommended Project

The recommended project for Somers County Water and Sewer District is to install a higher capacity well in proximity to the existing storage tank. This project is being recommended for feasibility, health and safety concerns and sustainability. A generator is being proposed as a part of this project to prevent the system from shutting down in the case of a power outage. Alternative 5 is also being recommended to replace the aging cast iron lines that haven't been replaced yet. The estimated project cost for both alternatives 3 and 5 is estimated to be \$1,026,925.00 including a 10 percent contingency and fifteen percent engineering costs for both alternatives.

2. Project Planning

2.1 Location

Somers, Montana is a small, nonincorporated community located in Flathead County. The SCW&SD is located approximately 11 miles south of the City of Kalispell, on the northwest shore of the Flathead Lake in the Flathead valley. Exact coordinates are as follows:

Township/Section Range: Township 27 North, Range 21 West, Section 25

Latitude/Longitude: 48°04'46.55" North Latitude, 114°13'39.64" West Longitude

Elevation: 2,920 ft

The Town of Somers is generally located in south-central Flathead County. Flathead County is the southern extension of the Rocky Mountain Trench, a generally flat valley caused by historic glacial activity. The western side of the town is within the foothills of the Blacktail Mountain, resulting in hilly terrain that slopes southeast towards the eastern side of town and the lake border. The eastern valley portion of Somers is between the Blacktail Mountain and the Mission Mountains to the east. The town is directly bordered by the Flathead Lake to the south. Figure 2.1.1 depicts the project planning area. Figure 2.1.3 depicts the topographic map of the service area.

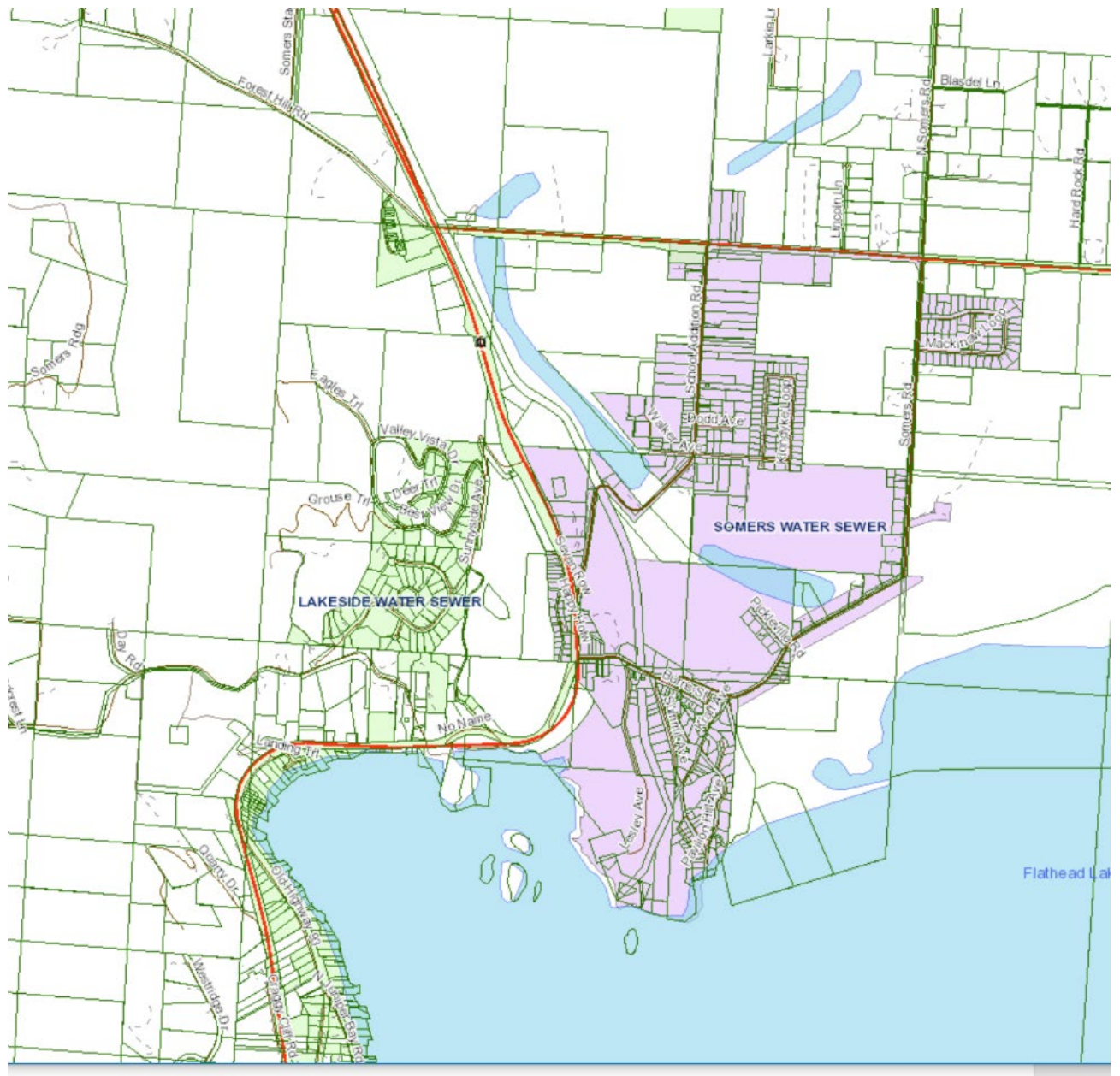


Figure 2.1.1: Somers County Water and Sewer District Service Area



Figure 2.1.2: Somers County Water and Sewer District's Water Rights POU Map



Figure 1.1.3 Topographic Map of Surrounding Area

2.2 Environmental Resources Present

Potential influences of major construction projects on the environmental and cultural aspects within the planning area must be assessed to mitigate any negative impacts on the environmental and cultural resources in the area. The Uniform Application streamlines the process by utilizing a standard procedure called the Uniform Environmental Checklist. A completed Uniform Environmental Checklist for the proposed water system improvements in Somers is included in Appendix A. Adverse impacts discussed in the environmental checklist include groundwater resources, surface water, wetlands, and wildlife species. Some beneficial impacts were found in the report including changes in demographic, general housing conditions, businesses or residents, public health and safety, and community/government services and facilities.

2.2.1 LAND RESOURCES

Land use within the planning boundary is primarily residential and commercial with surrounding agricultural zones¹. Land on the west of the planning area is designated a United States Forest Service (USFS) Wilderness Area by the Montana Natural Heritage Program. The United States Fish and Wildlife (USFW) owns and manages protected land to the southeast of the planning area, along the lake shore².

The proposed project area soil information was obtained from the United States Department of Agriculture's (USDA) National Resources Conservation Service (NRCS) Web Soil Survey online database. Soils maps and report of the area and soil characteristics from the Web Soil Survey area are found in Appendix B. The primary soils in the area are Kingspoint-Rock complex, 15 to 50 percent slopes, and Repp-Kingspoint-Rock complex, 40 to 80 percent slopes³.

¹ Montana Cadastral

² Montana Natural Heritage Program

³ USDA NCRCS Web Soil Survey

The historical glacial activity that caused the Flathead Lake is assumed to have caused a delta of fine sediment from Bigfork, MT to Somers, MT. The flat portions of eastern Somers contain fine sediments ranging from silt to silty sand, as a result. The hilled area of western Somers consists of majority bedrock that was not eroded by the glaciers.

The general topography of the area is mountainous with rolling hill closer to Flathead Lake. The community of Somers is located in a unique setting on a small bedrock knob, which extends south into Flathead Lake. The mountain in the west rise abruptly 3,860 feet above Flathead Lake and to the north it opens up to the flatlands of the Flathead Valley⁴.

2.2.2 BIOLOGICAL RESOURCES

SCW&SD borders the Flathead Waterfowl Production Area (WPA), managed by the U.S. Fish and Wildlife Service. The proposed alternatives do not interfere with the WPA, and precautions will be made to reduce any residual negative impacts from construction.

2.2.3 WATER RESOURCES

Surface Water

The Flathead Lake directly borders the project site to the south, so improvement recommendations will take into consideration the proximity of this surface water feature to mitigate impacts. Flathead lake is a natural lake along the mainline of the Flathead River with a catchment area of 8,587 square miles. The lake was dammed in 1930 to control the water levels and produce hydroelectric power at the outlet point on the south end of the lake in Polson Bay. The lake is bordered by the Mission Mountains to the east and Salish Mountains to the west. The lake is home to numerous species of fauna and is one of five major tributaries in the Flathead County watershed. The lake also supports recreational activities year-round. In addition to Flathead Lake, one unnamed lake/pond is located directly east of the proposed well site approximately 0.10-mile. This perennial waterbody is approximately 0.035 square miles.

Groundwater

SCWSD's water system is supplied by two groundwater wells that extend to the bedrock aquifer in the Middle Proterozoic Belt Subgroup. The depths of the well logs indicate that regional groundwater flows easterly from the Salish Mountains towards Flathead Lake. The bedding in the area dips easterly, causing semi-confined and confined statuses of the aquifer encountered by the district wells. It can be assumed that the impermeable nature of the glacial till found in the area creates a confining layer for the bedrock aquifer.

Seasonal high groundwater elevations from existing well logs and monitoring wells, show the groundwater can be 7 feet below the ground surface. This could pose potential construction issues with high groundwater, however in other areas of the district more notably the North part of the District, groundwater is found between 20 and 50 feet and would not pose a potential construction problem.

2.2.4 FLOODPLAINS

The Federal Emergency Management Agency (FEMA) has designated flood mapping for Flathead County. A majority of the planning area is in Zone X (areas determined to be outside the 0.2% annual chance floodplain) with only a small portion consisting of Zone A (without base flood elevation) and Zone X (0.2% annual chance flood hazard, areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile). The FIRM index map is included in Appendix C.

⁴ Surface Water Delineation Report

2.2.5 WETLANDS

The determined riparian and wetland areas are referenced from the Montana Natural Heritage Program and can be found in Appendix D. The report depicts about 21 acres of vegetated wetlands in the north central part of the service area. The report also indicates shrubbery around the perimeter of these wetland areas that consist of woody vegetation less than 6 meters in height. There are about 3 acres of forested riparian area within the planning area containing woody vegetation that is greater than 6 meters tall³. The project recommendations seek to mitigate any negative impacts to these areas to preserve the natural environment. Precautions will be taken during construction to preclude any sedimentation or other potential adverse impacts on the wetlands. A site-specific wetlands inventory will be conducted prior to construction for all stream crossings or low-lying areas. In the event the final designed processes cause any disruption to existing wetlands, all necessary permits and plans for mitigation will be completed prior to construction of any improvements.

2.2.6 CULTURAL RESOURCES

Cultural resources include historic and prehistoric archaeological sites, historic architecture, engineering features and structures, and resources of significance to Native Americans. The Montana State Historical Preservation Office (SHPO) website was referenced to identify previously conducted cultural resource inventories performed in the area. According to the SHPO website, there is a historical site present in the vicinity of the project.

2.2.7 SOCIO-ECONOMIC AND ENVIRONMENTAL JUSTICE ISSUES

According to the Montana Department of Commerce,

The planning area contains a superfund site as a result of historic railroad and wood treatment facility operations from 1901 to 1986. The Montana Department of Health and Environmental Science proposed the Somers Tie Plant be included in the Superfund National Priorities List in 1984, based on their concerning pollutant testing of the surrounding soil and water. The Five-Year Review, conducted by the Environmental Protection Agency (EPA) in 1996, sites that “the area was determined to pose an imminent and substantial hazard to Flathead Lake.”

2.3 Population Trends

The population analysis provides a basis for project planning decisions. Planning and engineering improvement recommendations were determined based on projected future population growth to provide proper future services and predict future demands on the system. A planning period of 20-years was utilized to evaluate future impacts on the system. Census data was used for historical population Data; however the Census Data cover the broad area around Somers. This data has been used to show Historic population data of the area, but for the purpose of this PER, the number of connections were used as the current population to better represent the population that SCW&SD services. Historic populations for the Town of Somers are summarized in Table 2.3.1⁵. The supporting census data is included in Appendix E.

Table 2.3.1: Historical Population Data

Year	Population	Total Period Growth
1990	735	
2000	882	20%
2010	1,109	26%
2020	1,049	-1%

The Town of Somers experienced steady population growth from 1990 to 2010. The 2020 Census Bureau estimated a 1% decline in population from the previous census in 2010, with a population of 1,049. A master plan for the

⁵ United States Census Bureau

Somers County Water and Sewer District drafted in 2019 used an annual population growth of 2%. This population growth was also assumed for this PER. The 2% growth is independent of future land development and potential infill area and the starting population of 750 is based on the approximate 300 connections assuming 2.5 residents per connection. Known future development includes the Steamboat Landing Subdivision a development set for construction in 2025. The development includes 180 residential lots and 5 condo lots, totaling 252 units in total. Assuming two and a half residents per unit, the addition from this subdivision would be 630 residents after construction is completed. SCW&SD has an agreement with Steamboat Landing Subdivision to provide potable water services and is considering similar agreements with the potential infill areas. Table 2.3.2 shows the estimated design population, projecting to 2045. A total population of is 2,341 people based on the 2% annual growth rate and future infill areas. Future demands of the system will be determined from these population numbers.

Table 2.3.2: Estimated 20 Year Population Trend

Year	Population Trend Somers	Steamboat Landing Subdivision	Potential Infill Areas
2024	750		
2025	750	150	597
2026	765		
2027	780	145	
2028	796		
2029	811	105	
2030	828		
2031	845	150	
2032	861		
2033	879	80	
2034	896		
2035	914		
2036	932		
2037	951		
2038	970		
2039	989		
2040	1,009		
2041	1,029		
2042	1,050		
2043	1,071		
2044	1,092		
2045	1,114		
Total	1,114	630	597
Total Combined	2,341		

2.4 Community Engagement

The Somers County Water and Sewer District holds community meetings where this project will be discussed among participants. The community members will be able to share their thoughts on the alternatives and information discussed in this PER. A draft of this PER has been submitted to the Somers County Water and Sewer District for community input.

3. Existing Facilities

3.1 Location Map

Figure 3.1.1 presents a map of the existing facilities of the Somers County Water and Sewer District (SCWSD) water system, including well locations, storage tanks, and distribution system.



Figure 3.1.1 Existing Distribution System.

3.2 History

WATER SYSTEM

Source water for the SCW&SD comes from two supply wells. A site map of the well locations is included in Appendix F. The well logs referenced for the wells is included in Appendix F. Well #1 is located near the top of a small hill located in the central portion of the community. The well construction was completed in 1990 to a total depth of 660 feet. The well is cased with steel casing to the total depth of 660 feet and the casing was perforated from 446-466 feet; 547-567 feet, and 635-655 feet. The casing size at the bottom of the well is 10 inches, and the well has a cement annular seal⁵.

Well #2 is located at the southwest corner of the service area near the Yacht Club. This well was implemented in 1990 with a total depth of 362 feet. The well was cased to a total depth of 362 feet with steel and perforated with ¼ inch by 2 ½ inch perforations from 237-276 feet; 289-294 feet; and 335-359 feet⁵. The casing size at the bottom of the well is 10 inches, and the well has a cement annular seal. Production from this well for the year 2022 was approximately 16.75 million gallons.

	Well # 1	Well #2
GWISD	140159	136130
Year	1990	1990
Flow (gpm)	290	290
Screen Depth (bgs)	No Screen	Unknown

Table 3.2.1 Well Information

An existing 80,000-gallon elevated water storage tank was built in 1926 on Pavilion Hill, in the south-central portion of the town. The overflow for the tank sits approximately 90 ft above the ground surface. The tank was repaired in the 1980's to adhere to the updated safety and security requirements. In December 2018, a tank diving investigation revealed some interior corrosion where the coating had failed. There was one noted pinpoint of daylight in the roof and siltation in the bottom of the tank. A visual structural assessment was completed in 2019 by a structural engineer. The main concern was the lack of seismic building codes present at the time of the tank installation, making the tank susceptible to negative seismic impacts in a high seismic risk area. The engineer also noted attachment issues with the cotter pins holding the tension rods in place. There are concerns that the concrete footing of the tank lacks the necessary amount of rebar, due to the history of its installation, as well as only having two of the required four anchor bolts connecting the tower legs to the foundation⁶.

In response to these concern an additional water storage tank was constructed in 2021 east of US 93 in the Northwest part of the town. The tank was a 500,000 gallon ground level tank with a finished floor elevation of 3,110 feet. The record drawings were submitted in March 2023 and can be found in Appendix G. When the new water storage tank was added the previous 80,000 gallon tank was abandoned and is no longer in service.

The water distribution system consists of 34,000 linear feet of predominantly 6-inch, 8-inch, and 10-inch pipe. Nearly all of the original cast iron mains were replaced by the district in 1990, while an additional 2,500 linear feet of leaking cast iron mains were replaced several years later in 2018.

There is no existing water treatment for the system. The majority of violations for the SCWSD is for turbidity or coliform. In the last 40 years, there have been 4 coliform TCR (Total Coliform Rule) violations and two coliform (pre-TCR) violations and 7 turbidity violations, with the latest in 2010 being due to coliform (TCR). There are some violations that stem from the lead and copper rule and two violations for nitrates in 1996 and 1999. The water system currently as of January 2025 has a status of A from the drinking water branch of Montana.

There have been no reports of significant failures of any components of the system.

3.3 Condition of Existing Facilities

Somers County Water and Sewer District's system currently consists of the following components:

- » Source: 2 groundwater wells
- » Storage: The District abandoned the historic tank and are left with a 500,000-gallon tank that was installed in 2021
- » Distribution: 34,000 linear feet of 6-, 8-, and 10-inch diameter pipes

The two water supply wells are in suitable condition for continued use. The deep aquifer that the wells pump from is not susceptible to surface contamination due to the semi-confined and confined nature of the aquifer.

There is an 80,000-gallon elevated storage tank and a 500,000-gallon storage tank, filled by the two operating wells, that provides pressure and flow to meet current residential and fire flow demands. Fire flow demands for the area to 1,000 gallons per minute for two hours ⁶with both wells pumping to augment the supply. A majority of the water system mains were replaced in 1990. 2,500 lineal feet of water main was replaced in 2018.⁷

SCW&SD provided water usage data for the system. The data includes metering information from the two well pumps and calculated the total gallons pumped per month based on the metering data of each pump. Five complete years of historic pump information from 2019 to 2023 was compiled monthly and is shown in Table 3.3.1. The highest usage year was 2023 with a total water pumped for the year of 33,540,00 gallons. The monthly pumped totals were then divided by the number of days in the month to determine the average daily demand of 91,570.36 gpd. The highest usage months for the system is either July or August depending on the year. Based on 2023 the max day demand was 229,838.71 gpd based on the usage august.

Month	Monthly Demands for last 5 years					Days	Demand (gpd)	# of Residents	Demand per Resident (gpd)
	2019	2020	2021	2022	2023				
January	1,350,000.00	1,446,000.00	1,489,000.00	1,462,000.00	1,570,000.00	31.00	50,645.16	750.00	67.53
February	1,147,000.00	1,394,000.00	1,579,000.00	1,541,000.00	1,877,000.00	28.00	67,035.71	750.00	89.38
March	1,191,000.00	1,433,000.00	1,472,000.00	1,334,000.00	1,385,000.00	31.00	44,677.42	750.00	59.57
April	1,322,000.00	1,592,000.00	1,652,000.00	1,585,000.00	1,456,000.00	30.00	48,533.33	750.00	64.71
May	1,995,000.00	1,810,000.00	1,947,000.00	1,734,000.00	2,635,000.00	31.00	85,000.00	750.00	113.33
June	3,465,000.00	2,865,000.00	4,001,000.00	2,399,000.00	3,618,000.00	30.00	120,600.00	750.00	160.80
July	4,819,000.00	4,320,000.00	7,169,000.00	5,775,000.00	6,363,000.00	31.00	205,258.06	750.00	273.68
August	5,139,000.00	6,528,000.00	6,171,000.00	8,079,000.00	7,125,000.00	31.00	229,838.71	750.00	306.45
September	2,516,000.00	5,068,000.00	3,050,000.00	4,406,000.00	3,221,000.00	30.00	107,366.67	750.00	143.16
October	1,491,000.00	2,094,000.00	1,695,000.00	1,818,000.00	1,512,000.00	31.00	48,774.19	750.00	65.03
November	1,350,000.00	1,548,000.00	1,388,000.00	1,782,000.00	1,397,000.00	30.00	46,566.67	750.00	62.09
December	1,376,000.00	1,371,000.00	1,348,000.00	1,571,000.00	1,381,000.00	31.00	44,548.39	750.00	59.40
Total	27,161,000.00	31,469,000.00	32,961,000.00	33,486,000.00	33,540,000.00	Average	91,570.36		122.09
Percent Change		16%	5%	2%	0.16%				

Table 3.3.1 Monthly water usage for the previous five years

The daily demands in table 3.3.2 were divided by the current population of the system to determine a demand per resident. The average demand for a resident based on the 2023 years was 122.09 gpm, which was rounded to 120 gpm for future demand calculations. Max day demand per resident was based from August 2023 at 306.45 gpd, which was rounded to 306 gpd for future demand calculations. The demands for the potential infill areas was assumed to be on average 120 Gallons per capita per day and was added to the 2% growth demand to estimate what the future demands of the system would be with these potential infill areas connected to the SCWSD.

The current system demands, and future demands can be found below in Table 3.3.1

⁶ 2019 Report

Water Demands for Current Conditions and Future Demands from Infill Areas						
Somers Water District, Flathead County						
	Equivalent Dwelling Units (EDU's)	People per EDU	Population	Average Daily Demand (120 gpcd)*** Gallons per Day	Max Daily Demand (2.2 Factor**) Gallons per Day	Peak Demand (Max Daily X 5.3**) GPM
Existing Conditions*	300	2.5	750	90,000	198,000	972
5 year with 2% growth	331	2.5	828	99,360	218,592	1,073
5 year with growth and Potential Infill Areas	520	2.5	1,300	156,000	343,200	1,684
10 year with 2% growth	366	2.5	914	109,680	241,296	1,184
10 year with Potential Infill Areas	856	2.5	2,141	256,920	565,224	2,774
15 year with 2% growth	404	2.5	1,009	121,080	266,376	1,307
15 year with Potential Infill Areas	894	2.5	2,236	268,320	590,304	2,897
20 year with 2% growth	446	2.5	1,114	133,680	294,096	1,443
20 year with Potential Infill Areas	936	2.5	2,341	280,920	618,024	3,033
* EDU's for existing conditions based on current water connections for SCWSD						
** Recommended Standards for Water Works 2012 Edition						
***Monthly Water Usage Data for the Previous Five Years						

Table 3.3.2: Demands on the system for current conditions and future demands.

3.4 Regulations and Deficiencies

In accordance with Montana DEQ Circular 1, Section 3.2.1 (DEQ-1, 3.2.1), the water source for the District must be adequate to meet or exceed the design maximum day demand with the largest producing well out of service. Additionally, a minimum of two sources of ground water must be provided with consideration given to locating redundant sources in different aquifers or different location of an aquifer.

Assuming the population trends and water demands in Table 2.3.2 and 3.3.2 that shows the Design Maximum Day Demand over the next 20-year lifespan of the facility. The current system has the capacity to produce 580 gpm for the system of safe drinking water. Taking the largest producing well (290 gpm) out of the system, the system now can only produce approximately 290 gpm. Over a 20 hour period during max daily flows, this equates to a water source capacity of 348,000 gpd. For future demands of the system with potential infill area and the estimated growth, the system will not be able to meet DEQ Circular 1 section 3.2.1.1.a, which states "The total developed groundwater source capacity for systems utilizing gravity storage or pumped storage, must equal or exceed the design maximum day demand with the largest producing well out of service. This is because the required flow is 618,024 gallons which is higher than the 348,000 gallons the current system can produce.

The two existing wells are drilled in the same aquifer however they are far enough away from each other to be considered in a different location of the aquifer. This provides the redundancy that the District needs to meet the Circular.

Water loss data starting in January of 2019 and going to May of 2024 was made available for this report and can be found in Appendix K. The amount of water sold was taken from the resident's meters and the difference between what was being pumped out to the system and what was used was the water loss. The average percent loss per month was around 25% accounting for on average 5,358,000 gallons of water yearly. Most of this water loss has been associated with the aging water mains that need regular maintenance to operate. Breaks are common not only in the aging service lines, but also in the water mains in the system.

Water Loss Data from January 2019 to May 2024		
Somers County Water and Sewer District		
Average Loss in Gallons Yearly	5,358,000	
Average GPM Loss Monthly	11.02919	
Average Percent Loss Monthly	24.89172	
Maximum Loss in a Month	814,000	Feb-23

Table 3.4.1 Water Loss Data Summary Table

In accordance with Montana DEQ Circular 1, Section 7.0.1, storage facilities must be sufficient, as determined from engineering studies to supplement source capacity to satisfy all system demands occurring on the maximum day, plus fire flow demands where fire protection is provided. The minimum allowable storage must be equal to the average day demand plus fire flow demand. The average day from Table 3.3.2 was estimated to be 280,920 gallons at the end of the planning period. The fire flows used for residential are 1,000 gallons per minute for two hours totaling 120,000 gallons ($1,000 \text{ GPM} * 120 \text{ minutes}$). Adding the average day and the residential fire flows gives a total of 404,920 gallons, which is less than the existing storage for the system.

3.5 Financial Status of Any Existing Facilities

Audited financial statements were done in June of 2021 for the Somers County Water and Sewer District. The full audited financial statement can be found in Appendix F. This report included expenses, incomes and existing debts from previous capital improvement projects. Operating revenues counted for both water and sewer totaled to \$479,105.00 while expenses totaled \$433,158.00 resulting in an operating income of \$45,947.00. The SCWSD has a depository account with \$636,265 insured and \$320,936 uninsured and uncollateralized making a total of deposits and investments of \$957,201. With the recent tank project, two bonds were used for the construction of the tank. Tank bond A was forgiven in April of 2024 and has no remaining balance. The second bond, Tank Bond B, has a remaining balance of \$1,121,693.

Assests	Water	Sewer	Total
Cash and cash equivalents	\$ 181,352.00	\$ 731,349.00	\$ 912,701.00
Restricted cash and cash equivalents	\$ 20,618.00	\$ -	\$ 20,618.00
Accounts receivable, net	\$ 19,115.00	\$ 18,232.00	\$ 37,347.00
Advance to other funds- current	\$ -	\$ 10,444.00	\$ 10,444.00
Due from other governments	\$ 616,741.00	\$ -	\$ 616,741.00
	\$ 837,826.00	\$ 760,025.00	\$ 1,597,851.00
Noncurrent Assests			
Advances to other funds	\$ -	\$ 192,494.00	\$ 192,494.00
Capital ssets- land	\$ 146,058.00	\$ -	\$ 146,058.00
Capital sassets- construction in progress	\$ 1,620,075.00	\$ -	\$ 1,620,075.00
Capital assets- depreciable, net	\$ 1,017,999.00	\$ 1,071,071.00	\$ 2,089,070.00
	\$ 2,784,132.00	\$ 1,263,565.00	\$ 4,047,697.00
Total Assets	\$ 3,621,958.00	\$ 2,023,590.00	\$ 5,645,548.00
Deferred outflows of resources			
Pension	\$ 15,516.00	\$ 15,516.00	\$ 31,032.00
Total assets and deferred outflows of resources	\$ 3,637,474.00	\$ 2,039,106.00	\$ 5,676,580.00

Table 3.5.1 Total Assets from Financial Audit in 2021

Cash flow form operating services	Water	Sewer	Total
Cash received from providing services	\$ 533,333.00	\$276,622.00	\$ 809,955.00
Cash received from miscellaneous service	\$ 22,050.00	\$ 453.00	\$ 22,503.00
Cash payents to suppliers	\$ (381,028.00)	\$ (17,980.00)	\$ (399,008.00)
Cash payments for fixed charges	\$ (3,546.00)	\$ (3,126.00)	\$ (6,672.00)
Cash payments for professional services	\$ (38,574.00)	\$ (97,235.00)	\$ (135,809.00)
Cash payments to employees	\$ (58,175.00)	\$ (58,185.00)	\$ (116,360.00)
Net cash provided by operating activities	\$ 74,060.00	\$100,549.00	\$ 174,609.00

Table 3.5.2 Net Revenue of Somers County Water and Sewer District

3.6 Water/Energy/Waste Audits

A sanitary survey inspection of the SCWSD was conducted in 2022 by Montana DEQ. Minor deficiencies were found in the inspection, however DEQ determined that these “Minor deficiencies do not pose serious health threats. However, corrective action of minor deficiencies can be critical in the long-term operation and safety of a public water system.” The minor deficiency was the lack of sealant on the corners of the upper tank hatch seals. The new seals are enough to seal the hatch, but they present a potential to prematurely fail given enough time.

4. Need for Project

4.1 Health, Sanitation, and Security

As per the sanitary survey and the surface delineation report the SCWSD PWS does not have, nor require, treatment at this time. Currently the system is able to meet the regulations for the source water being able to meet the maximum demand, however with the planned future development and immediate expansion of the system the SCWSD will not be able to meet the maximum demand and therefore will need to expand the development of the current groundwater source. Without this the system is in danger of water shortage and being unable to meet the demands of the future residence and customers.

4.2 Aging Infrastructure

The historic elevated tank is no longer used by the district for water storage. Most of the original cast iron water main was replaced over the years, however an approximate 1,500 linear feet of the original cast iron remains. Breaks and leaks are not uncommon in the system where the original water main remains.

4.3 Reasonable Growth

As per the Sanitary survey “the distribution system is in the continual process of expansion and upgrades related to increased population growth in recent years.” Based on this and census data found on the US Census Bureau website future growth for the District was assumed to be at 2% per year as stated in Section 2.3. Potential infill areas have been taken into consideration for future demands of the system. The current sources for water include the two wells that have a maximum of 290 gpm. Assuming the pumps operate for 20 hours during max daily flow, the flow produce by both pumps would be 696,000. From the previous Section 3.4, the system needs to provide the max daily flow with the highest producing pump out of service. With one pump running for 20 hours on the maximum daily flow, the production totals 348,000 gallons. Once the population of the town reaches around 1,300 residents, the town will need to install an additional well to meet the well production requirements. The additional

well would need to provide at least 225 gallons per minute to meet the maximum day with the highest producing well out of production. Potential infill areas have been estimated using 2.5 residents per equivalent dwelling unit.

5. Alternatives Considered

The District, along with KJJ, has reviewed the system and proposes the following alternatives to address the system deficiencies and areas of improvement. Various alternatives are available to address the deficiencies that have been identified with the current SCWSD. Due to technical feasibility or capital operation and maintenance cost, some of the alternatives were not explored further. In the case of SCWSD, water sources and storage facilities have been considered.

No alternatives were considered that have been determined to be technically infeasible or nonviable solutions to the water source and storage issues.

5.1 Description of Alternatives

This section will explain the feasible alternatives for the water source and water storage issues with Somer's current water distribution system.

5.1.1 ALTERNATIVE 1 – NO ACTION

The water supply and storage can't meet the future capacity for Somers. The no action alternative in this case is not a viable option as the storage in the system and the water supply do not meet the future demands for the system. These demands are increased with the addition of the new developments in the area and the county growth projected out 20 years. Somers would be in violation of DEQ source water standard 3.2.1.1 Source capacity which states "...must be equal or exceed the design maximum day demand with the largest producing well out of service". The existing storage capacity does meet the sizing requirements in section 7.0.1 using the residential fire flows of 1,000 gallons per minute at two hours.

5.2.1 ALTERNATIVE 2 – 225 GPM SHALLOW POTABLE WELL WITH GENERATOR

The second alternative proposes installing a smaller producing well than the existing two wells that can be powered by auxiliary power via a generator. The generator would fix the system deficiency of DEQ Circular-1 3.2.1.3 Auxiliary Power. Well logs in the area indicate that groundwater can be found around 7 feet at the shallowest and 70 feet near Pavillion Hill. Installing a 225 gallons per minute producing well would meet the remaining pumped storage required in section 3.2.1.1 of Montana DEQ Circular 1. Monitoring wells near the tie plant show shallow ground water in that location. The surface water pump has been taken offline after finding out the Flathead Lake has been contaminated from the tie plant. Placing a groundwater well shallow in these conditions is not ideal and would not be considered further.

5.3.1 ALTERNATIVE 3 – 290 GPM GROUND WATER WELL WITH GENERATOR

The third alternative proposes an additional well to ease the demand on the system. With the current maximum days, the system needs at least 225 gallons per minute to provide the system with enough pumping storage to meet section 3.2.1.1 of Montana DEQ Circular 1. Making the well match existing 290 gpm wells in the system exceeds this requirement in the event another subdivision or extra connections are proposed. A generator is proposed as backup power in case of power outages in the area. This generator can be a portable generator used by the district during emergency situations.

5.3.2 Design Criteria

This well would provide the system with 290 gallons per minute and would have a pumping level of 150 feet, similar to the existing wells in the system. The depth would minimize the risk of contamination from the tie plant in town and limit the effect of surface water on the ground water supply. One hundred and seventy (170) feet of head is required for the pump to operate as designed. This number comes from the pumping level of 150 feet and the

ground elevation to the highest point of the tank being 15 feet higher in elevation than the ground surface of the well.

5.3.3 Map

Figure 5 shows the layout for the new proposed well with the 100-foot radius and the 1,000 foot inventory radius.

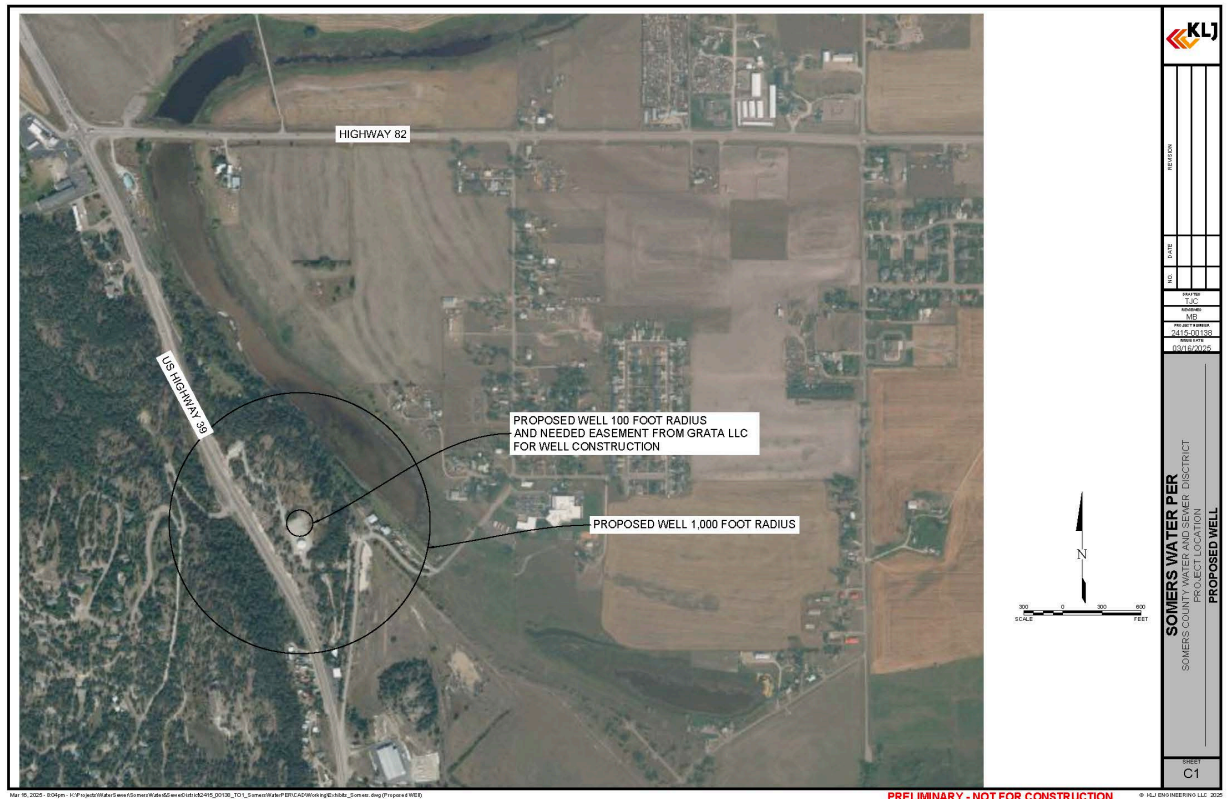


Figure 5.3.3.1 Proposed Well Location and

5.3.4 Environmental Impacts

While wetlands do exist in the Northern part of the district, to mitigate potential impacts from storm water during construction, Best Management Practices should be utilized to protect surface water and wetlands in the vicinity. Grizzly bears and Canada Lynx are endangered species known to the region; however, these species are not expected to be impacted by the construction of the new well.

5.3.5 Land Requirements

The proposed well location will utilize the existing tank easement for the newly constructed water tank. An easement of 100 feet around the well will be needed to prevent construction of septic systems that could influence the well. While most of this easement will be within the existing tank easement, some of the 100-foot radius around the well is outside of the existing easement and will need to be obtained for construction. This 100-foot radius is shown in Figure 5.5.1.

5.3.6 Potential Construction Problems

Previous well logs from the district reveal varying rock layers beneath the surface and fractured rock after 87'. Static water level in the area shows a depth of 19 feet from a previous well log and should not impact construction.

5.3.7 Sustainability Considerations

Adding additional well capacity beyond the required amount would prepare the system for future demand and any potential infill areas that could be proposed in a 20 year time frame.

5.3.8 Cost Estimates

The O&M cost for the third alternative is based on how many hours a worker would need to keep the well operational, any maintenance, testing, and energy costs for a year of operation. From Table 3.5.3, the yearly salary of an operator for SCWSD is around \$29/hour. Assuming two weeks of the operator's time at \$29.00/hr the operator cost would be \$2,320 and with annual training costs estimated at \$250, this brings the total to \$1,850. Below the O&M estimate the engineer's opinion of cost totals to \$546,250 with a 10% contingency and a 15% engineering fee.

O&M Cost Estimate	
Personnel (i.e. Salary, Benefits, Payroll Tax, Insurance, Training)	\$2,320
Administrative Costs (e.g. office supplies, printing, etc.)	\$250
Water Purchase or Waste Treatment Costs	\$0.00
Energy Cost (Fuel and/or Electrical)	\$1,500
Monitoring & Testing	\$2,400
Total	\$6,470

Table 5.3.8.1 Annual O&M costs

Somers Water and Sewer District Alternative 3 290 Gallons Per Minute Well					
Flathead County, MT					
Preliminary Engineer's Opinion of Cost					
CONSTRUCTION AND NON-CONSTRUCTION COST					
ITEM #	DESCRIPTION	UNIT	ESTIMATED QUANTITY	UNIT PRICE	ESTIMATED COST
101	Mobilization	LS	1	\$ 54,000.00	\$ 54,000.00
102	Taxes, Insurance and Bonds	LS	1	\$ 27,000.00	\$ 27,000.00
201	290 GPM Well with Pump	LS	1	\$ 325,000.00	\$ 325,000.00
202	8" PVC Line to 500,000 Gallon Water Tank	LF	75	\$ 75.00	\$ 5,625.00
203	Portable Generator	LS	1	\$ 10,000.00	\$ 10,000.00
204	Pump House	LS	1	\$ 200,000.00	\$ 200,000.00
Subtotal:					\$ 421,625.00
Engineering Costs (15%)					\$ 63,240.00
Construction Subtotal					\$ 484,865.00
Contingencies (10%)					\$ 48,490.00
Total Project Cost					\$ 533,355.00

Table 5.3.8.2: Cost estimate for Alternative 3

5.4.1 ALTERNATIVE 4 – USE EXISTING SURFACE WATER RIGHTS TO FLATHEAD LAKE

Somers County Water and Sewer District currently has water right to pump surface water from the Flathead Lake for potable water. The current water right allows water to be pumped from Flathead Lake year-round with a maximum flow rate of 11.14 cfs. This alternative would use existing infrastructure to provide the capacity needed to meet the source capacity deficiencies in the system. However, pulling water from the surface would require treatment and

possess potential issues with Flathead Lake being contaminated from the tie plant. This alternative will not be considered further to prevent the introduction of carcinogenic compounds from entering the distribution system.

5.5.1 ALTERNATIVE 5- REROUTE NEW PVC WATER MAIN AND ABANDON CAST IRON MAINS

The fifth alternative includes installing new PVC water main where the existing main consists of cast iron water main. As mentioned previously, there are leaks in the water system that cause maintenance issues. These maintenance issues have been associated with the cast iron water mains in the system after multiple breaks and fixes in previous years. The new main would be routed so the existing cast iron mains can be abandoned. The cast iron that remains in the system has a diameter of 8" near Pavillion Hill and 12" near the second pump house. The map shown in section 5.3.3 shows where the cast iron main is located and the proposed routing for the new water main.

5.5.2 Design Criteria

The existing 8" and 12" cast iron mains marked on Figure 5.3.3.1 would be abandoned in place in accordance with MDEQ Circular 1 Section 8.14. The proposed water main routes do not have any adverse impacts to the water systems pressures and flows compared to the existing system. The proposed route shown in Figure 5.3.3.1, will be installed with 8" PVC water main from the second pump house to the connection on Lesley Avenue. The replacement near pump house 1 would be 6" main going from the pump house to a connection point along Pavillion Hill Avenue.

5.5.3 Map

The following map shows the existing cast iron water mains and the proposed new route from both pumphouses to the system.

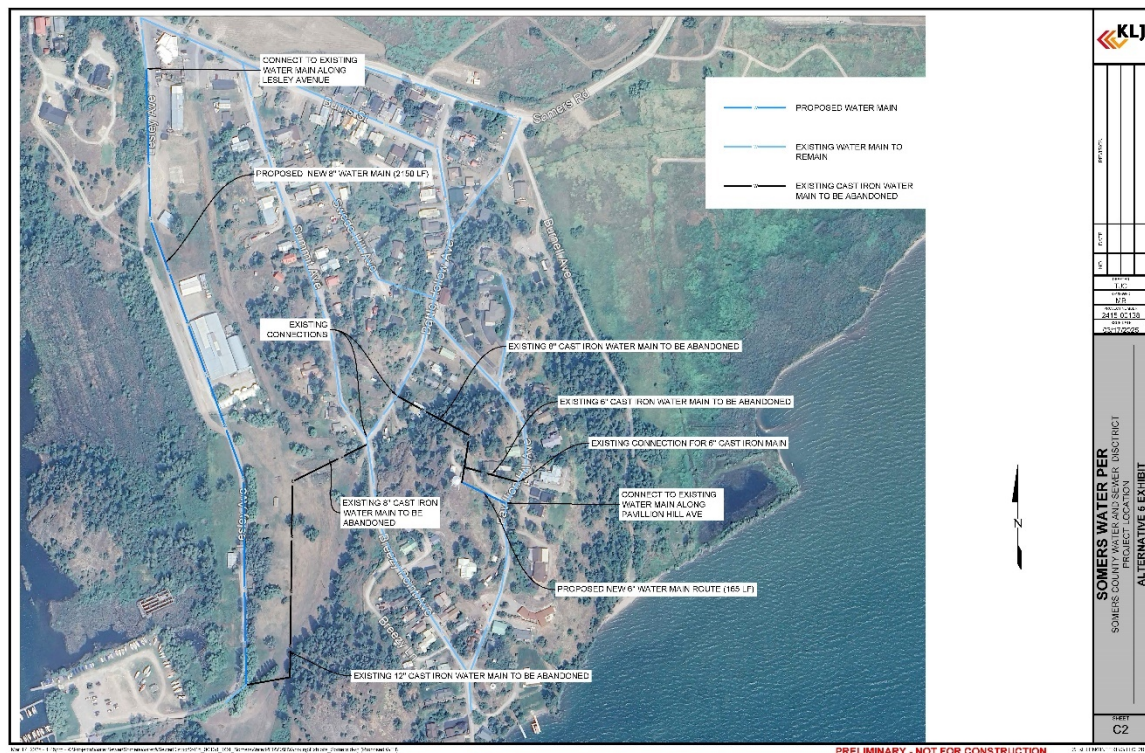


Figure 5.5.3.1 Existing Cast Iron Mains and Proposed New Water Main

5.5.4 Environmental Impacts

Best Management Practices should be used on the project to prevent stormwater during construction from entering surface water or wetlands in the area. The environmental checklist states that there is no impact to unique, endangered or fragile resources (Endangered Species) as they “are not likely to be found within the project boundary due to the surrounding civilization developments and habitat requirements”.

5.5.5 Land Requirements

Most of Lesley Avenue is on a parcel of land that is privately owned and will need an easement for the proposed water main. Near the first pump house on Pavillion Hill, the land between the pump house and Pavillion Hill Avenue is also privately owned and another easement will be needed for construction and maintenance.

5.5.6 Potential Construction Problems

Groundwater poses a potential construction problem near the second pump house as the well log shows static water at just 2.5 feet underground. Near Pavillion Hill, the static water level is much deeper and is not expected to pose any potential problems.

5.5.7 Sustainability Considerations

Currently, water losses can reach of up 39% of the total water pumped in a month. This not only is costing the SCWSD money in lost revenue but also using more power to pump water due to leaks in the water main. Replacing the aging infrastructure could save the District on not just utility costs, but also reduce the wear and tear on the pumps having to pump the additional water that was leaked out of the system.

5.5.8 Cost Estimates

The cost estimate for alternative 5 can be found below in Table 5.5.8.1. The total estimated cost for the project is \$493,570.00 including engineering cost of 15% and a ten percent contingency. Previous projects were used to estimate the cost for the items below. This report assumes no increase to operation and maintenance costs.

Somers Water and Sewer District					
Alternative 5: Reroute New PVC Water Main and Abandon Cast Iron Mains					
Preliminary Engineer's Opinion of Cost					
CONSTRUCTION AND NON-CONSTRUCTION COST					
ITEM #	DESCRIPTION	UNIT	ESTIMATED QUANTITY	UNIT PRICE	ESTIMATED COST
101	Mobilization	LS	1	\$32,000.00	\$ 34,000.00
102	Taxes, Insurance and Bonds	LS	1	\$17,000.00	\$ 17,000.00
201	6" PVC Water Main	LF	165	\$100.00	\$ 16,500.00
202	8" PVC Water Main	LF	2,150	\$140.00	\$ 301,000.00
203	6" Tee	EA	1	\$1,000	\$ 1,000.00
204	8" Tee	EA	1	\$1,500	\$ 1,500.00
205	Connect to Existing Water Main	EA	4	\$4,000	\$ 16,000.00
206	Exploratory Excavation	HR	8	\$400	\$ 3,200.00
Subtotal:					\$ 390,200.00
Engineering Costs (15%)					\$ 58,500.00
Construction Subtotal					\$ 448,700.00
Contingencies (10%)					\$ 44,870.00
Total Project Cost					\$ 493,570.00

Table 5.5.8.1 Engineer's Opinion of Cost for Alternative 5

6. Selection of an Alternative

After considering alternatives in the previous section, the first alternative, "No Action" will not be considered due to not meeting DEQ requirements in Circular one Chapter 3 Section 3.2.1 Quantity. If residential fire flows are used, the system would only be able to produce 290 gpm with the largest producing well out of service. The system would need to provide the maximum daily demand of 668,128 gallons when the system would only be able to provide 417,600 gallons. The second alternative "225 Gallons Per Minute Well" proposes installing a shallow well that would provide the required flow to meet the 618,024-gallon requirement for capacity. However, the previous well in the system that was taken offline drew water from the surface of Flathead Lake and was abandoned after the tie plant was found to contaminate the Lake. Monitoring wells around the tie plant indicate that the groundwater is as shallow as 7 feet in some areas and has the potential to contaminate the shallow well. In the Update- 4th Five Year Review from 2012, "Total phenols Total Polycyclic Aromatic Hydrocarbons, Carcinogenic PAH, and Benzene were detected above the cleanup levels at all three aquifer depths (shallow, intermediate, and deep) although not at all locations." This alternative was not chosen for the potential for the contamination of the ground water the well would use for distribution. The third alternative, 290 Gallons Per Minute Ground Water Well proposes a deeper well that would draw water from a deeper source than the second alternative. This well would match the production of the existing two wells in the system to add redundancy and extra capacity for potential infill areas in the next 20 years. The fourth alternative of drawing source water from the surface water of Flathead lake was not considered further due to the contamination from the tie plant. The fifth alternative proposes to replace the remaining cast-iron water main and re-route the water from the existing two pump houses to the distribution system for easier maintenance access and to mitigate the water loss in the system.

6.1 Life Cycle Cost Analysis

The life cycle analysis presents the life cost of each alternative into a present-day cost for the life of the alternative. The cost estimate associated with Alternative 3 shows the estimated cost of construction is \$546,250. The planning period used for this life cycle cost analysis is 20 years. The well pumps are assumed to be replaced within this 20-year life cycle and will be included in the life cycle cost analysis. Using a uniform series present worth calculation, and using an interest rate of 0.5%, the present-day dollars for the annual O&M costs can be determined. The life cycle of the well and distribution system with this project was assumed to be 60 years. The life expectancy for the new water main in alternative 5 was assumed to be 30 years and that was used to determine the salvage value of the alternative. No O&M increases were expected for alternative 5 and they were excluded from the life cycle cost analysis.

Life Cycle Analysis for Alternative 3: 290 Gallons Per Minute Well	
Capital Costs for Construction of Alternative 3	\$ 533,355.00
Easement Cost	\$ 20,000.00
Lawyer Fees	\$ 5,000.00
Permitting Fees	\$ 500.00
Annual O&M Present Day Amount	\$ 113,900.00
Salvage value after 20 years	\$ 355,570.00
Present Day Dollars for Pump Replacement	\$ 71,200.00
Net Present Value (NPV) = Capital Costs + Annual O&M Present Day Value- Salvage Value	\$ 388,385.00

Table 6.1.1 Life Cycle Analysis for Alternative 3

Life Cycle Analysis for Alternative 5: Reroute New PVC Water Main and Abandon Cast Iron Mains	
Capital Costs for Construction of Alternative 3	\$ 493,570.00
Easement Cost	\$ 40,000.00
Lawyer Fees	\$ 7,500.00
Permitting Fees	\$ 500.00
Salvage value after 20 years	\$ 165,000.00
Net Present Value (NPV) = Capital Costs + Annual O&M Present Day Value- Salvage Value	\$ 376,570.00

Table 6.1.2 Life Cycle Analysis for Alternative 5

6.2 Non-Monetary factors

Of the five alternatives, the third and fifth alternatives were chosen because of the sustainability considerations and reliability when compared to the other three alternatives. Alternative 1 No action would require less permitting, but as discussed in previous sections doesn't meet the requirements of Montana DEQ and could result in future permitting issues. None of these alternatives except alternative 5 would result in a reduction of greenhouse gas emissions or wetland relocation, however, installing the proposed well in alternative three would provide the system with additional capacity should the existing wells undergo maintenance or failure. One non-monetary factor

is the exclusion of the second alternative because of the potential contamination that could occur. Non-monetary factors for the fifth alternative include a potential reduction in water loss along with other sustainability factors including maintenance issues, reduction in utility usage, and preventing any unwanted contaminants entering the distribution system via the leaks in the line.

7. Proposed Project

7.1 Preliminary Project Design

7.1.1 DRINKING WATER

- Water Supply. The recommended source for the water supply is a groundwater well and not pulling water from any nearby sources of surface water. The demand recommended for the system a 290 gallons per minute as this would meet the capacity requirements in DEQ Circular 1. This demand would also reduce the demand on the existing two wells in the system by matching the capacity of the existing wells. Having a lower producing well would require either the proposed well or the existing well to operate more frequently.
- Treatment. No treatment will be proposed for this project. The current system doesn't have treatment and a single housing unit for all three wells would require the water to be re-routed from the existing wells into the housing unit for treatment. The well proposed will be deep enough to require filtration and not treatment.
- Storage. The storage used will be the existing 500,000 gallon water tank in the North West part of the system. No additional storage units are proposed for this project.
- Pumping Stations. Two pump houses exist in the system currently and with the addition of another well, a third pumping station is being proposed.
- Distribution Layout. The new pipe will run South West from the proposed well to the existing storage tank. The proposed piping will be DR-18 C900 8" diameter water main and will have a minimum bury depth of 6 feet. The new route from the existing two pump stations to the distribution line will also be changed. The line from the Yacht club will follow Lesley Ave and the line from the other pump station will run straight from the pump station to Pavillion Hill Ave.

7.2 Project Schedule

The estimated project schedule for construction is slated to start in the Spring of 2026 to allow the District time to submit applications for grants with the appropriate party. This would give the District time as well to discuss easements with the landowners in the area in the event negotiations take time. This schedule is flexible and can move sooner or later depending on the needs of the District with Construction only expected to take a Month to reach substantial completion.

7.3 Permit Requirements

A PWS-5 and a PWS-6 will need to be submitted to DEQ for well construction along with plans and specifications for the new well. A water main checklist will be needed for the new route discussed in alternative 5. These can be completed during the preliminary design and submitted with the plans and specifications when they are completed at a later date.

7.4 Sustainability Considerations

- Water and Energy Efficiency. Should fire flows be used with the future demands of the system, the proposed project will allow the system to meet the flow requirements used for residential fire flows and peak hours in the worst-case scenario. Using a newer model of pump depending on the pumps specifications could result in less power usage and reduce the stress on the two existing pumps. Alternative

5 has the potential to reduce the energy used by the SCWSD by reducing the water lost in the distribution line.

- Other. The operational simplicity of using a well with a similar capacity could be helpful when performing maintenance on the system as consideration into which pumps can run while the other pump is undergoing maintenance. Each well will supply the same amount of water to the system and in the case two wells are down the third can meet the average daily demand of the system.
- Water Usage. Removing the aging cast iron water mains has the potential to reduce the water loss in the system and would then reduce the amount of water being pumped from the pump stations to residents.

7.5 Total Project Cost Estimate

The cost estimate for Alternative three can be found above in Table 5.3.8.2 and the cost estimate for Alternative 5 can be found in Table 5.5.8.1. The total construction costs for the proposed project is \$1,026,925. Land Easement cost are not included in that cost estimate. Estimated net present value for the project is \$764,955.00 for both alternative 3 and 5.

7.6 Annual Operating Budget

The itemized annual operation budget should include fees for electrical use for the well, maintenance of the well, and operator training and hours spent monitoring or fixing the well. A breakdown of these costs can be found in table 7, but the annual cost to operate the well is estimated to be \$6,000.

7.6.1 INCOME

The current income of the system for both water and sewer totals \$174,609 as of 2021. A rate increase is not needed to pay off the bonds on the tank and any debt accrued from this project. If this cut to the annual income of the District is considered too much, rates can be increased to cover this change.

7.7 Annual O&M Costs

Expenses beyond the annual operation budget mentioned in section 7.6 include interest of any loans taken out for the purpose of this project, assuming a 20 year life span on the well pump the pump will need to be replaced and a present day expense has been added to include the replacement.

Provide an itemized list by expense category and project costs realistically. Provide projected costs for operating the system as improved. In the absence of other reliable data, based on actual costs of other existing facilities of similar size and complexity. Include facts in the report to substantiate O&M cost estimates. Include personnel costs, administrative costs, water purchase or treatment costs, accounting and auditing fees, legal fees, interest, utilities, energy costs, insurance, annual repairs and maintenance, monitoring and testing, supplies, chemicals, residuals disposal, office supplies, printing, professional services, and miscellaneous as applicable. Any income from renewable energy generation which is sold back to the electric utility should also be included, if applicable. If applicable, note the operator grade needed.

7.7.1 DEBT REPAYMENTS

The extent of the District's debt repayments includes the remaining bond for the water tank and interfund receivables. The remaining balance on the tank bond after the other tank bond was forgiven is \$1,121,693

7.7.2 RESERVES

Debt Service Reserve

General obligation bonds are proposed to be used as loan security for the debt service.

Short-Lived Asset Reserve

The existing well pumps are unknown on when they will need to be replaced. Assuming an average life span of 20 years, the two existing pumps could be replaced in the next decade. Assuming the pumps cost is around \$15,000.00, the cost per year for all three pumps is $\$30,000 / 10 \text{ years} + \$15,000 / 20 \text{ years} = \$3,750$ over the 20 year planning period.

8. Conclusions and Recommendations

The current system needs to develop a new source of water to meet the capacity requirements of DEQ. Surface water was looked at with nearby bodies of water and the Flathead Lake, however groundwater was chosen. Groundwater was chosen over surface water due to recent contamination of the surface water from the tie plant. The carcinogens come from the old tie plant and have been present in the groundwater samples taken for the Five-year report in 2012. The well was chosen to meet the existing capacity of the existing wells in the district to meet the capacity requirements of DEQ, but to also allow the system to operate an average day with just two wells if needed for maintenance or failure of an existing well. With the current number of potential infill areas being added to the SCWSD and the close proximity to Kalispell, MT, consideration was taken to up the supply of the well to 290 GPM which exceeds the maximum day while excluding the highest producing well as state is DEQ Circular-1 3.2.1. The annual O&M costs of using this alternative is estimated at \$6,470 using \$29/hr for the operator costs. Replacing the well pumps assuming a 20 year life cycle puts the per year cost of the well pump including the two existing wells at \$3,750 (Assuming replacement of the two existing wells to happen in the next decade). The proposed schedule slates the new well to be operable in April of 2026 after starting preliminary work in November of this year.

Appendix A: Uniform Environmental Checklist

Environmental Checklist Instructions

Purpose of This Document:

All applicants must consider the potential environmental impacts of their projects as all projects will be subject to a NEPA (National Environmental Policy Act) and MEPA (Montana Environmental Policy Act) review. Consideration of these impacts on the location, design, or construction actions may help avoid expensive costs. A project may not be eligible for funding if it results in significant environmental degradation even with mitigation.

Per Section 102(2)(C) of the National Environmental Policy Act, any Federal action significantly affecting the quality of the human environment must complete a NEPA review and prepare either an EIS (Environmental Impact Statement) and a ROD (Record of Decision); EA (Environmental Assessment) and a FONSI (Finding of No Significant Impact); or document a Categorical Exclusion (CE). Major Federal actions may include: any projects within Federal jurisdiction and/or triggering Federal permits; Federal funding in whole or part; projects on Federal land or affecting Federal facilities; Continuing Federal actions with effects on land or facilities; and new or revised Federal rules, regulations, plans, or procedures.

Montana state agencies are required to comply with the Montana Environmental Policy Act (MEPA) per state law and associated agency-specific Administrative Rules (ARM 36.2.523). MEPA requires state agencies to prepare a detailed statement on any project, program, or activity directly undertaken by the agency; a project or activity supported through a contract, grant, subsidy, loan, or other form of funding assistance from the agency; and a project or activity involving the issuance of a lease, permit, license, certificate, or other entitlement for use or permission by the agency (MCA Title 75, Chapter 1).

Instructions:

Complete the Environmental Checklist on the following pages after the instructions below.

Example			
Impact Code	Impact Type	Permits/ Mitigation Required?	Explanation of Impact to Resource
1. Soil Suitability, Topographic and/or Geologic Constraints (example: soil slump, steep slopes, subsidence, seismic activity)			
<input type="checkbox"/> No Impact <input type="checkbox"/> Beneficial <input type="checkbox"/> Adverse	<input type="checkbox"/> Direct <input type="checkbox"/> Indirect <input type="checkbox"/> Cumulative	<input type="checkbox"/> Permit <input type="checkbox"/> Mitigation <input type="checkbox"/> NA	<i>Current Conditions:</i> <i>Preferred Alternative Environmental Narrative:</i>

- 1. Impact Code:** In the first column, identify the impact that the preferred alternative will have on each resource (e.g. 1. Soil Suitability, Topographic and/or Geologic Constraints) in the project area. Select from the following impact codes:

- No Impact: No impact to the resource is anticipated or this is not applicable to this project.
- Beneficial: Potentially beneficial impact to the resource.
- Adverse: Potentially adverse impact to the resource.

Please note that a resource may have more than one impact. Identify all possible impacts to the resource in the space provided. For example, the preferred alternative may have a short-term direct negative impact and a long-term direct and indirect positive impact on the resource.

Check all boxes that apply and use the space provided in the final column "Explanation of Impact to Resource" to explain.

Example			
Impact Code	Impact Type	Permits/ Mitigation Required?	Explanation of Impact to Resource
1. Soil Suitability, Topographic and/or Geologic Constraints (example: soil slump, steep slopes, subsidence, seismic activity)			
<input type="checkbox"/> No Impact <input type="checkbox"/> Beneficial <input type="checkbox"/> Adverse	<input type="checkbox"/> Direct <input type="checkbox"/> Indirect <input type="checkbox"/> Cumulative	<input type="checkbox"/> Permit <input type="checkbox"/> Mitigation <input type="checkbox"/> NA	<i>Current Conditions:</i> <i>Preferred Alternative Environmental Narrative:</i>

2. Impact Type: In the second column, identify the type(s) of impact to the resource from the preferred alternative. (Impacts may be direct, indirect or cumulative).

- Direct impacts: Occur at the same time and place as the proposed project.
- Indirect or secondary impacts: Occur at a different location or later time than the proposed project.
- Cumulative impacts: Collective impacts on the environment when considered in conjunction with other past, present, and future actions related to the proposed project. Cumulative impact analysis includes a review of all state and nonstate activities that have occurred, are occurring, or may occur that have impacted or may impact the same resource as the proposed project.

Just as above, please note that a resource may have more than one impact. Identify all possible impacts to the resource in the space provided. For example, the preferred alternative may have a short-term direct negative impact and a long-term direct and indirect positive impact on the resource. Check all boxes that apply and use the space provided in the final column "Explanation of Impact to Resource" to explain.

Example			
Impact Code	Impact Type	Permits/ Mitigation Required?	Explanation of Impact to Resource
1. Soil Suitability, Topographic and/or Geologic Constraints (example: soil slump, steep slopes, subsidence, seismic activity)			
<input type="checkbox"/> No Impact <input type="checkbox"/> Beneficial <input type="checkbox"/> Adverse	<input type="checkbox"/> Direct <input type="checkbox"/> Indirect <input type="checkbox"/> Cumulative	<input type="checkbox"/> Permit <input type="checkbox"/> Mitigation <input type="checkbox"/> NA	<i>Current Conditions:</i> <i>Preferred Alternative Environmental Narrative:</i>

3. Permits/Mitigation Required: In the third column, please select if a permit and/or mitigation is required for the project (e.g., 310, USACE Section 404 Nationwide).

- a. Please make sure to include which permits (if any) are required for the particular resource and what mitigation techniques will be used if impacts are to occur.

Example			
Impact Code	Impact Type	Permits/ Mitigation Required?	Explanation of Impact to Resource
1. Soil Suitability, Topographic and/or Geologic Constraints (example: soil slump, steep slopes, subsidence, seismic activity)			
<input type="checkbox"/> No Impact <input type="checkbox"/> Beneficial <input type="checkbox"/> Adverse	<input type="checkbox"/> Direct <input type="checkbox"/> Indirect <input type="checkbox"/> Cumulative	<input type="checkbox"/> Permit <input type="checkbox"/> Mitigation <input type="checkbox"/> NA	<i>Current Conditions:</i> Click or tap here to enter text. <i>Preferred Alternative Environmental Narrative:</i> Click or tap here to enter text.

4. Explanation of Impact to Resource: In the final column, use the space provided on the Environmental Checklist to summarize the following information:

a. Current Conditions

- Describe the current environmental resources of the affected area including the impact of no action. Your description of the current natural resources will provide a baseline to compare all alternatives and their associated environmental impacts.

b. Preferred Alternative Environmental Narrative:

- Describe the impact of the preferred alternative or ***indicate why there is no impact*** from the project.
- Identify any reasonable cumulative impacts that may result from implementing the preferred alternative. Cumulative impacts are the collective impacts on the environment when considered in conjunction with other past, present, and future actions related to the proposed project.
- If a potentially adverse impact is identified for the preferred alternative, the applicant must provide the following:
 - An analysis of the severity, duration, extent, and frequency of the impact. Please specify and describe the following:
 - Severity: negligible, minor, or major.
 - Duration: short-term or long-term.
 - Extent: local, regional, or statewide.
 - Frequency: non-recurring or recurring.
 - An explanation of short- and/or long-term measures to mitigate the impact with a discussion on the effects of those mitigative measures on the proposed project.
- Identify any required permits.

5. Additional Information: Underneath the table the following information must be provided:

- a. Sources of Information: Identify all sources consulted for the completion of the Environmental Checklist. Sources may include studies, plans, documents, or the persons, organizations, or agencies contacted for assistance.

Environmental Checklist

Environmental Checklist Prepared by:

On: 2/14/2025

Jess Kuchera

KLJ Engineering

Name of Person 1

Organization

701-355-8457

jess.kuchera@kljeng.com

Phone Number

Email

Click or tap here to enter text.

Click or tap here to enter text.

Name of Person 2

Organization

Click or tap here to enter text.

Click or tap here to enter text.

Phone Number

Email

Click or tap here to enter text.

List additional people above. Include organization, phone number and email for all.

As the engineer that prepared the preliminary engineering report, I Click or tap here to enter text.,

(print name of engineer)

have reviewed the information presented in this checklist and believe that it accurately identifies the environmental resources in the area and the potential impacts that the project could have on those resources. In addition, the required state and federal agencies were provided with the required information about the project and requested to provide comments on the proposed public facility project. Their comments have been incorporated into and attached to the Preliminary Engineering Report.

Engineer's Signature: _____

Date: _____

Physical Environment

Impact Code	Impact Type	Permits/ Mitigation Required?	Explanation of Impact to Resource
1. Soil Suitability, Topographic and/or Geologic Constraints (example: soil slump, steep slopes, subsidence, seismic activity)			
<input checked="" type="checkbox"/> No Impact <input type="checkbox"/> Beneficial <input type="checkbox"/> Adverse	<input type="checkbox"/> Direct <input type="checkbox"/> Indirect <input type="checkbox"/> Cumulative	<input type="checkbox"/> Permit <input type="checkbox"/> Mitigation <input checked="" type="checkbox"/> NA	<u>Current Conditions:</u> The property boundary for the proposed well site is currently located in the Upper Flathead Valley Area (MT617). It sits on mountain slopes with well drained, gravelly loam soil. The corrosion of concrete rating is low, and the corrosion of steel rating is moderate (NRCS Web Soil Survey). A Quarternary fault (< 15,000 years) is located approximately 1.6-miles northeast of the well site. Somers and Flathead Valley are considered High Seismic Risk Areas. <u>Preferred Alternative Environmental Narrative:</u> The proposed well is not anticipated to have an effect on the soil suitability or topographic characteristics. The well will be drilled into the mountain slope landform. Seismic activity is not anticipated to effect the well or the casing above ground.

2. Hazardous Facilities (example: power lines, hazardous waste sites, acceptable distance from explosive and flammable hazards including chemical/petrochemical storage tanks, underground fuel storage tanks, and related facilities such as natural gas storage facilities and propane storage tanks)			
<input checked="" type="checkbox"/> No Impact <input type="checkbox"/> Beneficial <input type="checkbox"/> Adverse	<input type="checkbox"/> Direct <input type="checkbox"/> Indirect <input type="checkbox"/> Cumulative	<input type="checkbox"/> Permit <input type="checkbox"/> Mitigation <input checked="" type="checkbox"/> NA	<u>Current Conditions:</u> Overhead power lines are currently located approximately 120 feet west of the proposed well site property limits. No explosive, flammable, underground storage tanks, or other hazardous facilities were identified. The property boundary is approx. 0.03-mile from the boundary of a superfund site by Burlington Northern. The property is also approximately 0.38-mile uphill of a petroleum release that occurred in 2002. <u>Preferred Alternative Environmental Narrative:</u> The proposed well will be in a confined aquifer, which is the same aquifer that the existing wells are located in and are regularly tested by the Public Water System to meet state regulatory standards. The superfund site contamination does not extend to this aquifer.
3. Surrounding Air Quality (example: dust, odors, emissions)			
<input checked="" type="checkbox"/> No Impact <input type="checkbox"/> Beneficial <input type="checkbox"/> Adverse	<input type="checkbox"/> Direct <input type="checkbox"/> Indirect <input type="checkbox"/> Cumulative	<input type="checkbox"/> Permit <input type="checkbox"/> Mitigation <input checked="" type="checkbox"/> NA	<u>Current Conditions:</u> There is a gravel pit approximately 0.95-mile southwest of the proposed well. Flathead County, in the vicinity of Kalispell, is considered a maintenance area for PM10. <u>Preferred Alternative Environmental Narrative:</u> The proposed well is not anticipated to have a negative effect on the surrounding air quality. Due to a gravel mine being in close proximity, the well will not emit a greater amount of dust, odor, or emissions than the surrounding area. There will be temporary emissions/dust/odor during construction, but these will be short-term and air quality will return to pre-construction levels.
4. Groundwater Resources and Aquifers (example: quantity, quality, distribution, depth to groundwater, sole source aquifers)			
<input type="checkbox"/> No Impact <input type="checkbox"/> Beneficial <input checked="" type="checkbox"/> Adverse	<input checked="" type="checkbox"/> Direct <input type="checkbox"/> Indirect <input type="checkbox"/> Cumulative	<input checked="" type="checkbox"/> Permit <input type="checkbox"/> Mitigation <input type="checkbox"/> NA	<u>Current Conditions:</u> The depth to groundwater within the well site is greater than 80 inches. The site is located approx. 0.13-mile from a Cenozoic Basin Fill and Alluvium Aquifer. The proposed well is located in the Flathead Lake Watershed, HUC8 (17010208). The well is not located in a sole-source aquifer. <u>Preferred Alternative Environmental Narrative:</u> The proposed well will be pulling water from the aquifer. The well is proposed to pump approximately 400 gallons per minute, similar to the two existing wells in the area. Because of the semi-confined and confined status of the aquifer, no effects to surrounding groundwater wells are anticipated. Although the aquifer can currently sustain the addition of a new well as outlined in the PER, aquifer water levels may drop, especially during periods of drought or limited precipitation events.

5. Surface Water/Water Quality, Quantity and Distribution (example: streams, lakes, storm runoff, irrigation systems, canals)

<input type="checkbox"/> No Impact <input type="checkbox"/> Beneficial <input checked="" type="checkbox"/> Adverse	<input type="checkbox"/> Direct <input checked="" type="checkbox"/> Indirect <input type="checkbox"/> Cumulative	<input checked="" type="checkbox"/> Permit <input checked="" type="checkbox"/> Mitigation <input type="checkbox"/> NA	<p><u>Current Conditions:</u> The proposed well site is located approximately 0.13 miles west of an unnamed lake/pond, 0.40 miles northwest of an unnamed lake/pond, and 0.65-mile north of Flathead Lake. Storm runoff would travel east/northeast from the proposed well site and would eventually reach the unnamed lake/pond to the east.</p> <p><u>Preferred Alternative Environmental Narrative:</u> There is potential for stormwater runoff to enter nearby surface waters adjacent to the proposed well during construction. A SWPPP permit will need to be obtained during construction to minimize stormwater runoff.</p>
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6. Floodplains and Floodplain Management (Identify any floodplains within one mile of the boundary of the project.)

<input checked="" type="checkbox"/> No Impact <input type="checkbox"/> Beneficial <input type="checkbox"/> Adverse	<input type="checkbox"/> Direct <input type="checkbox"/> Indirect <input type="checkbox"/> Cumulative	<input type="checkbox"/> Permit <input type="checkbox"/> Mitigation <input checked="" type="checkbox"/> NA	<p><u>Current Conditions:</u> The proposed well site is located within Zone X – Area of Minimal Flood Hazard. Zone A – Special Flood Hazard Area Without BFE is encountered several times within a 1-mile radius, with the closest encountering being 0.13-mile from the well site.</p> <p><u>Preferred Alternative Environmental Narrative:</u> The proposed well is not anticipated to have an effect on floodplains. The well will not produce surface waters or change the grade of the landscape. If flooding were to occur, it is unlikely the flood would effect the well location due to the proposed well being outside of the floodplain.</p>
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7. Wetlands (Identify any wetlands within one mile of the boundary of the project and state potential impacts.)

<input type="checkbox"/> No Impact <input type="checkbox"/> Beneficial <input checked="" type="checkbox"/> Adverse	<input type="checkbox"/> Direct <input checked="" type="checkbox"/> Indirect <input type="checkbox"/> Cumulative	<input checked="" type="checkbox"/> Permit <input checked="" type="checkbox"/> Mitigation <input type="checkbox"/> NA	<p><u>Current Conditions:</u> There are approx. 19 wetlands and 2 waterbodies located within a 1-mile radius of the proposed well site.</p> <p><u>Preferred Alternative Environmental Narrative:</u> The potential impacts to the wetlands is due to stormwater runoff during construction that may occur and flow east/northeast of the proposed well site. The runoff could potentially enter an unnamed lake/pond and the wetland surrounding it. The surrounding wetlands are not anticipated to be adversely impacted post-construction. Best management Practices will be utilized, and a SWPPP permit will be acquired to minimize or eliminate impacts to wetlands during construction.</p>
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8. Agricultural Lands, Production, and Farmland Protection (example: grazing, forestry, cropland, prime or unique agricultural lands) Identify any prime or important farm ground or forest lands within one mile of the boundary of the project.			
<input checked="" type="checkbox"/> No Impact <input type="checkbox"/> Beneficial <input type="checkbox"/> Adverse	<input type="checkbox"/> Direct <input type="checkbox"/> Indirect <input type="checkbox"/> Cumulative	<input type="checkbox"/> Permit <input type="checkbox"/> Mitigation <input checked="" type="checkbox"/> NA	<u>Current Conditions:</u> Farmland of Unique Importance, Prime Farmland if Irrigated, Prime Farmland, and Farmland of Statewide Importance have been identified by Web Soil Survey to be located within a 1-mile radius of the proposed well site. <u>Preferred Alternative Environmental Narrative:</u> No impacts to the surrounding agricultural lands are anticipated. The well is not anticipated to effect nearby irrigation supply.
9. Vegetation and Wildlife Species and Habitats, Including Fish (example: terrestrial, avian and aquatic life and habitats)			
<input type="checkbox"/> No Impact <input type="checkbox"/> Beneficial <input checked="" type="checkbox"/> Adverse	<input checked="" type="checkbox"/> Direct <input type="checkbox"/> Indirect <input type="checkbox"/> Cumulative	<input type="checkbox"/> Permit <input type="checkbox"/> Mitigation <input checked="" type="checkbox"/> NA	<u>Current Conditions:</u> The current vegetation at the well site is grassland and tree species commonly found in western Montana. The nearest designated USFWS Critical Habitat is 0.65-mile south of the well site. The habitat is Flathead Lake, which is federally designated critical habitat for Bull trout. Critical Habitat for the Canada Lynx is designated approximately 12.66-miles northeast of the well site. <u>Preferred Alternative Environmental Narrative:</u> The proposed well is not anticipated to have long-term effects on vegetation, wildlife, or fish species. The site will have minimal ground disturbance during construction that will temporarily impact vegetation. A permanent 6" capped well casing will be located at the site with the area around the casing fully reclaimed.
10. Unique, Endangered, Fragile, or Limited Environmental Resources, Including Endangered Species (example: plants, fish or wildlife)			
<input checked="" type="checkbox"/> No Impact <input type="checkbox"/> Beneficial <input type="checkbox"/> Adverse	<input type="checkbox"/> Direct <input type="checkbox"/> Indirect <input type="checkbox"/> Cumulative	<input type="checkbox"/> Permit <input type="checkbox"/> Mitigation <input checked="" type="checkbox"/> NA	<u>Current Conditions:</u> The proposed well site is located within five different federally listed threatened and endangered species' ranges: Canada lynx, grizzly bear, monarch, Suckley's cuckoo bumble bee, Spalding's catchfly. These species are not likely to be found within the project boundary due to the surrounding civilization developments and habitat requirements. <u>Preferred Alternative Environmental Narrative:</u> Although the property is within these species' ranges, the wildlife species are not likely to be found within the project boundary due to the surrounding civilization developments and habitat requirements. The vegetation species is also not anticipated to be found due to the landform and current habitat characteristics.

11. Unique Natural Features (example: geologic features)			
<input checked="" type="checkbox"/> No Impact <input type="checkbox"/> Beneficial <input type="checkbox"/> Adverse	<input type="checkbox"/> Direct <input type="checkbox"/> Indirect <input type="checkbox"/> Cumulative	<input type="checkbox"/> Permit <input type="checkbox"/> Mitigation <input checked="" type="checkbox"/> NA	<u>Current Conditions:</u> There are no unique natural features located within the subject property. The property sits on the top of a mountain slope which are surrounding the property, as well, and are very common in northwestern Montana. <u>Preferred Alternative Environmental Narrative:</u> Due to the lack of unique natural features, no impacts are anticipated.
12. Access to, and Quality of, Recreational and Wilderness Activities, Public Lands and Waterways (including Federally Designated Wild & Scenic Rivers), and Public Open Space			
<input checked="" type="checkbox"/> No Impact <input type="checkbox"/> Beneficial <input type="checkbox"/> Adverse	<input type="checkbox"/> Direct <input type="checkbox"/> Indirect <input type="checkbox"/> Cumulative	<input type="checkbox"/> Permit <input type="checkbox"/> Mitigation <input checked="" type="checkbox"/> NA	<u>Current Conditions:</u> There are currently no public accesses to recreational areas located within the proposed well site. Flathead River is the nearest Federally Designated Wild & Scenic River located approximately 30 miles southwest of the well. Somers Beach State Park is located approximately 0.61-mile southeast of the well site. The Flathead Waterfowl Produced Area spans approximately 7-miles along the north shoreline of Flathead Lake. The Flathead National Forest is located more than a mile to the east of the well, as well as Glacier National Park northeast of the well site. <u>Preferred Alternative Environmental Narrative:</u> The proposed well is not anticipated to affect access to any public wilderness, recreational, or other public areas. The well will not intersect public lands.
Human Environment			
Impact Code	Impact Type	Resource	
1. Visual Quality – Coherence, Diversity, Compatibility of Use and Scale, Aesthetics			
<input checked="" type="checkbox"/> No Impact <input type="checkbox"/> Beneficial <input type="checkbox"/> Adverse	<input type="checkbox"/> Direct <input type="checkbox"/> Indirect <input type="checkbox"/> Cumulative	<input type="checkbox"/> Permit <input type="checkbox"/> Mitigation <input checked="" type="checkbox"/> NA	<u>Current Conditions:</u> The current subject property where the well will sit is near an existing aboveground water storage tank that is related to the proposed well. The tank is currently surrounded by trees. <u>Preferred Alternative Environmental Narrative:</u> The proposed well will not pose a visual barrier on the current landscape, nor will it have an effect on the current aesthetics of the site. The tank sitting next to the property will be larger in size than the proposed well.
2. Nuisances (example: glare, fumes)			
<input checked="" type="checkbox"/> No Impact <input type="checkbox"/> Beneficial <input type="checkbox"/> Adverse	<input type="checkbox"/> Direct <input type="checkbox"/> Indirect <input type="checkbox"/> Cumulative	<input type="checkbox"/> Permit <input type="checkbox"/> Mitigation <input checked="" type="checkbox"/> NA	<u>Current Conditions:</u> No known glares, flares, or other nuisances are in the area. The nearby gravel mine potentially emits fumes. <u>Preferred Alternative Environmental Narrative:</u> The current proposed well is not anticipated to emit glares, fumes, or other nuisances.

3. Noise – Suitable Separation Between Housing and Other Noise Sensitive Activities and Major Noise Sources (example: aircraft, highways and railroads.)			
<input checked="" type="checkbox"/> No Impact <input type="checkbox"/> Beneficial <input type="checkbox"/> Adverse	<input type="checkbox"/> Direct <input type="checkbox"/> Indirect <input type="checkbox"/> Cumulative	<input type="checkbox"/> Permit <input type="checkbox"/> Mitigation <input checked="" type="checkbox"/> NA	<u>Current Conditions:</u> Residences and highways are currently located within a 1-mile radius of the proposed well site. US Highway 93 is directly adjacent on the west side of the property. <u>Preferred Alternative Environmental Narrative:</u> The current proposed well is not anticipated to emit more noise than the surrounding area, which includes highways and residences within 1-mile, and railroads within 9-miles.
4. Historic Properties, Cultural, and Archaeological Resources			
<input checked="" type="checkbox"/> No Impact <input type="checkbox"/> Beneficial <input type="checkbox"/> Adverse	<input type="checkbox"/> Direct <input type="checkbox"/> Indirect <input type="checkbox"/> Cumulative	<input type="checkbox"/> Permit <input type="checkbox"/> Mitigation <input checked="" type="checkbox"/> NA	<u>Current Conditions:</u> The property limits for the proposed well are located within a section that has a historical site present. <u>Preferred Alternative Environmental Narrative:</u> A file search with the MTSHPO (2.26.2025) indicates an Historic Property Eligible for listing on the National Register of Historic Places (NRHP) is 35 meters east of the proposed project area. The site is an abandoned segment of the Great Northern Railroad and would not be impacted by the proposed project. The Area of Potential Effect is disturbed and unlikely to yield cultural resources with the potential for listing on the NRHP.
5. Changes in Demographic (Population) Characteristics (example: quantity, distribution, density)			
<input type="checkbox"/> No Impact <input checked="" type="checkbox"/> Beneficial <input type="checkbox"/> Adverse	<input type="checkbox"/> Direct <input type="checkbox"/> Indirect <input checked="" type="checkbox"/> Cumulative	<input type="checkbox"/> Permit <input type="checkbox"/> Mitigation <input checked="" type="checkbox"/> NA	<u>Current Conditions:</u> The current population of the nearest town is 1,025 in Somers, MT, recorded in 2024. The Lakeside-Somers CCD, Flathead County, has approximately 6,185 residents. Flathead County as a whole has approximately 104,357 residents. <u>Preferred Alternative Environmental Narrative:</u> The proposed action of installing a water well is not anticipated to change demographic characteristics. A conservative 2% rate of annual population growth was used to calculate the anticipated increase in water demands. The proposed well can meet these demands based on this percentage for the 20-year planning period.
6. General Housing Conditions – Quality, Quantity, Affordability			
<input type="checkbox"/> No Impact <input checked="" type="checkbox"/> Beneficial <input type="checkbox"/> Adverse	<input checked="" type="checkbox"/> Direct <input type="checkbox"/> Indirect <input type="checkbox"/> Cumulative	<input type="checkbox"/> Permit <input type="checkbox"/> Mitigation <input checked="" type="checkbox"/> NA	<u>Current Conditions:</u> Approximately 2,962 housing units are located in Lakeside-Somers CCD, Flathead County, MT. The median gross rent is \$1,151. Homeownership rates in Lakeside-Somers CCD is currently listed at 74.6%, which is only 0.1% less than Flathead County as a whole. <u>Preferred Alternative Environmental Narrative:</u> The proposed well is not anticipated to negatively change the current housing conditions in the surrounding area. The well may provide beneficial changes to the community by offering an additional water source.

7. Businesses or Residents (example: loss of, displacement, or relocation)			
<input type="checkbox"/> No Impact <input checked="" type="checkbox"/> Beneficial <input type="checkbox"/> Adverse	<input checked="" type="checkbox"/> Direct <input type="checkbox"/> Indirect <input type="checkbox"/> Cumulative	<input type="checkbox"/> Permit <input type="checkbox"/> Mitigation <input checked="" type="checkbox"/> NA	<p><u>Current Conditions:</u> The majority of the 1-mile radius around the proposed well site is residential. Emergency services and public schools are in the area, as well as local businesses such as gas stations.</p> <p><u>Preferred Alternative Environmental Narrative:</u> The proposed well is not expected to negatively effect surrounding residences or businesses. The well will not require relocation of current structures in the surrounding area. However, it may result in beneficial effects to residents and businesses in the area that can access the well. The well will provide additional water volume to businesses, residents, and emergency services.</p>
8. Public Health and Safety			
<input type="checkbox"/> No Impact <input checked="" type="checkbox"/> Beneficial <input type="checkbox"/> Adverse	<input checked="" type="checkbox"/> Direct <input type="checkbox"/> Indirect <input type="checkbox"/> Cumulative	<input type="checkbox"/> Permit <input type="checkbox"/> Mitigation <input checked="" type="checkbox"/> NA	<p><u>Current Conditions:</u> The current aboveground storage tank was rated by the DEQ to have minor deficiencies. The lack of sealant on the upper tank hatch seals was identified as a minor deficiency.</p> <p><u>Preferred Alternative Environmental Narrative:</u> The proposed well is anticipated to beneficially effect the public health and safety of the surrounding community by providing a new, sanitized, and secure water well for the growing population of Somers, MT. The minor deficiencies of the existing tank will be addressed.</p>
9. Local Employment – Quantity or Distribution of Employment, Economic Impact			
<input checked="" type="checkbox"/> No Impact <input type="checkbox"/> Beneficial <input type="checkbox"/> Adverse	<input type="checkbox"/> Direct <input type="checkbox"/> Indirect <input type="checkbox"/> Cumulative	<input type="checkbox"/> Permit <input type="checkbox"/> Mitigation <input checked="" type="checkbox"/> NA	<p><u>Current Conditions:</u> The current employment rate in Lakeside-Somers CCD, Flathead County, MT, is 57.4%. The employment rate in Flathead County as a whole is 62.8%.</p> <p><u>Preferred Alternative Environmental Narrative:</u> The proposed well is not expected to cause quantity or distribution disruptions of employment or the economy.</p>
10. Income Patterns – Economic Impact			
<input checked="" type="checkbox"/> No Impact <input type="checkbox"/> Beneficial <input type="checkbox"/> Adverse	<input type="checkbox"/> Direct <input type="checkbox"/> Indirect <input type="checkbox"/> Cumulative	<input type="checkbox"/> Permit <input type="checkbox"/> Mitigation <input checked="" type="checkbox"/> NA	<p><u>Current Conditions:</u> The median household income in Lakeside-Somers CCD is approximately \$72,500, which is only \$1,774 less than Flathead County as a whole.</p> <p><u>Preferred Alternative Environmental Narrative:</u> The proposed well is not anticipated to have an impact on earnings, total income, or economic patterns within the surrounding area.</p>

11. Local and State Tax Base and Revenues			
<input type="checkbox"/> No Impact <input checked="" type="checkbox"/> Beneficial <input type="checkbox"/> Adverse	<input type="checkbox"/> Direct <input type="checkbox"/> Indirect <input type="checkbox"/> Cumulative	<input type="checkbox"/> Permit <input type="checkbox"/> Mitigation <input checked="" type="checkbox"/> NA	<p><u>Current Conditions:</u> In Montana, there is a one percent gross receipts tax on construction projects. These funds are allocated to the Department of Revenue and applies to payments made on county, state, or other government entities properties and projects.</p> <p><u>Preferred Alternative Environmental Narrative:</u> From construction of the proposed well, one percent of the total constructed amount will benefit the State tax base.</p>
12. Community and Government Services and Facilities (example: educational facilities; health and medical services and facilities; police; emergency medical services; and parks, playgrounds and open space)			
<input type="checkbox"/> No Impact <input checked="" type="checkbox"/> Beneficial <input type="checkbox"/> Adverse	<input type="checkbox"/> Direct <input type="checkbox"/> Indirect <input checked="" type="checkbox"/> Cumulative	<input type="checkbox"/> Permit <input type="checkbox"/> Mitigation <input checked="" type="checkbox"/> NA	<p><u>Current Conditions:</u> The nearest town, Somers, to the proposed well site currently houses the Somers-Lakeside Fire Department and Somers Beach State Park. The proposed well site is located within Somes-Lakeside School District 29.</p> <p><u>Preferred Alternative Environmental Narrative:</u> The proposed well is not anticipated to affect the local emergency management services, public schools, parks, playgrounds, or open spaces. It is anticipated to provide additional water supply for emergency services.</p>
13. Commercial and Industrial Facilities – Production and Activity, Growth or Decline			
<input checked="" type="checkbox"/> No Impact <input type="checkbox"/> Beneficial <input type="checkbox"/> Adverse	<input type="checkbox"/> Direct <input type="checkbox"/> Indirect <input type="checkbox"/> Cumulative	<input type="checkbox"/> Permit <input type="checkbox"/> Mitigation <input checked="" type="checkbox"/> NA	<p><u>Current Conditions:</u> There are currently no known commercial or industrial facilities directly adjacent to the subject property.</p> <p><u>Preferred Alternative Environmental Narrative:</u> The installation of a water well should not have a negative effect on the growth of commercial and industrial facilities in the community. Production activities of commercial facilities in the surrounding are not anticipated to be effected by the well.</p>
14. Social Structures and Mores (example: standards of social conduct/social conventions)			
<input checked="" type="checkbox"/> No Impact <input type="checkbox"/> Beneficial <input type="checkbox"/> Adverse	<input type="checkbox"/> Direct <input type="checkbox"/> Indirect <input type="checkbox"/> Cumulative	<input type="checkbox"/> Permit <input type="checkbox"/> Mitigation <input checked="" type="checkbox"/> NA	<p><u>Current Conditions:</u> The two existing water wells supplying the community provide cohesiveness between residents and surrounding communities. The access to water that the wells provide allow for social conventions, events, businesses, and residences to take place in the serviced areas.</p> <p><u>Preferred Alternative Environmental Narrative:</u> The installation of a water well is not anticipated to negatively effect social conducts, conventions, or structures within the community. The addition of a third water well can increase the cohesiveness of the Somers and surrounding communities.</p>

15. Land Use Compatibility (example: growth, land use change, development activity, adjacent land uses and potential conflicts)			
<input checked="" type="checkbox"/> No Impact <input type="checkbox"/> Beneficial <input type="checkbox"/> Adverse	<input type="checkbox"/> Direct <input type="checkbox"/> Indirect <input type="checkbox"/> Cumulative	<input type="checkbox"/> Permit <input type="checkbox"/> Mitigation <input checked="" type="checkbox"/> NA	<p><u>Current Conditions:</u> Current land use of the proposed well site is used for existing water supply and storage. Adjacent properties include residential and agricultural, with undeveloped forest area.</p> <p><u>Preferred Alternative Environmental Narrative:</u> The proposed well is not anticipated to effect the current land use of the well site or adjacent properties. The well will not require change of current land uses to occur, nor should it effect the quality of the lands.</p>
16. Energy Resources – Consumption and Conservation			
<input checked="" type="checkbox"/> No Impact <input type="checkbox"/> Beneficial <input type="checkbox"/> Adverse	<input type="checkbox"/> Direct <input type="checkbox"/> Indirect <input type="checkbox"/> Cumulative	<input type="checkbox"/> Permit <input type="checkbox"/> Mitigation <input checked="" type="checkbox"/> NA	<p><u>Current Conditions:</u> Currently, the existing well systems use an electrical distribution system to operate the wells.</p> <p><u>Preferred Alternative Environmental Narrative:</u> The proposed well is not anticipated to effect energy resources. With the addition of the proposed well, it will add an annual expense of approximately \$1,000.</p>
17. Solid Waste Management			
<input checked="" type="checkbox"/> No Impact <input type="checkbox"/> Beneficial <input type="checkbox"/> Adverse	<input type="checkbox"/> Direct <input type="checkbox"/> Indirect <input type="checkbox"/> Cumulative	<input type="checkbox"/> Permit <input type="checkbox"/> Mitigation <input checked="" type="checkbox"/> NA	<p><u>Current Conditions:</u> There are currently no solid waste management facilities within the property limits or directly adjacent to it.</p> <p><u>Preferred Alternative Environmental Narrative:</u> The proposed well is not anticipated to have effects on solid waste management facilities in the surrounding area.</p>
18. Wastewater Treatment – Sewage System			
<input checked="" type="checkbox"/> No Impact <input type="checkbox"/> Beneficial <input type="checkbox"/> Adverse	<input type="checkbox"/> Direct <input type="checkbox"/> Indirect <input type="checkbox"/> Cumulative	<input type="checkbox"/> Permit <input type="checkbox"/> Mitigation <input checked="" type="checkbox"/> NA	<p><u>Current Conditions:</u> The well site does not contain wastewater treatment plants or sewage systems. Wastewater treatment facilities are not directly adjacent to the well site.</p> <p><u>Preferred Alternative Environmental Narrative:</u> The proposed well will not include wastewater treatment or sewage systems.</p>
19. Storm Water – Surface Drainage			
<input checked="" type="checkbox"/> No Impact <input type="checkbox"/> Beneficial <input type="checkbox"/> Adverse	<input type="checkbox"/> Direct <input type="checkbox"/> Indirect <input type="checkbox"/> Cumulative	<input type="checkbox"/> Permit <input type="checkbox"/> Mitigation <input checked="" type="checkbox"/> NA	<p><u>Current Conditions:</u> Surface water drains are not located within the subject property.</p> <p><u>Preferred Alternative Environmental Narrative:</u> The water well is not for draining surface waters. No alternatives are proposed to include surface drainage.</p>

20. Community Water Supply			
<input type="checkbox"/> No Impact <input checked="" type="checkbox"/> Beneficial <input type="checkbox"/> Adverse	<input checked="" type="checkbox"/> Direct <input type="checkbox"/> Indirect <input type="checkbox"/> Cumulative	<input type="checkbox"/> Permit <input type="checkbox"/> Mitigation <input checked="" type="checkbox"/> NA	<p><u>Current Conditions:</u> Currently, Somers, MT, is estimated to grow by approximately 2% per year. The community currently has two water wells that supply the residents. Once the population grows 2%, a third well will need to be installed to allow for water supply to be available at the same rate it currently is supplied (400gpm).</p> <p><u>Preferred Alternative Environmental Narrative:</u> The proposed action of installing a water well is not anticipated to change demographic characteristics. A conservative 2% rate of annual population growth was used to calculate the anticipated increase in water demands. The proposed well can meet these demands based on this percentage for the 20-year planning period.</p>
21. Fire Protection – Hazards			
<input type="checkbox"/> No Impact <input checked="" type="checkbox"/> Beneficial <input type="checkbox"/> Adverse	<input checked="" type="checkbox"/> Direct <input type="checkbox"/> Indirect <input type="checkbox"/> Cumulative	<input type="checkbox"/> Permit <input type="checkbox"/> Mitigation <input checked="" type="checkbox"/> NA	<p><u>Current Conditions:</u> Over the last decade, the number of wildfires around the Kalispell area have increased mainly in Glacier National Park and Flathead National Forest. This is due to several factors, including hotter and drier conditions contributing to more frequent and intense wildfires.</p> <p><u>Preferred Alternative Environmental Narrative:</u> The proposed well could have a beneficial impact by increasing the availability of water in the immediate surrounding area. If fire were to occur, the well will provide an additional water source.</p>
22. Cultural Facilities, Cultural Uniqueness and Diversity			
<input checked="" type="checkbox"/> No Impact <input type="checkbox"/> Beneficial <input type="checkbox"/> Adverse	<input type="checkbox"/> Direct <input type="checkbox"/> Indirect <input type="checkbox"/> Cumulative	<input type="checkbox"/> Permit <input type="checkbox"/> Mitigation <input checked="" type="checkbox"/> NA	<p><u>Current Conditions:</u> There are no cultural facilities or areas of cultural uniqueness and diversity.</p> <p><u>Preferred Alternative Environmental Narrative:</u> The proposed well site will have no effect on cultural facilities or areas of cultural uniqueness and diversity.</p>
23. Transportation Networks and Traffic Flow Conflicts (example: rail; auto including local traffic; airport runway clear zones – avoidance of incompatible land use in airport runway clear zones)			
<input checked="" type="checkbox"/> No Impact <input type="checkbox"/> Beneficial <input type="checkbox"/> Adverse	<input type="checkbox"/> Direct <input type="checkbox"/> Indirect <input type="checkbox"/> Cumulative	<input type="checkbox"/> Permit <input type="checkbox"/> Mitigation <input checked="" type="checkbox"/> NA	<p><u>Current Conditions:</u> Current transportation networks within the property boundaries only includes a private driveway. Transportation networks within the adjacent properties includes US Highway 93 and residential roadways.</p> <p><u>Preferred Alternative Environmental Narrative:</u> The proposed action is not anticipated to effect transportation networks within adjacent property. Existing access to the site will be utilized during construction and maintenance activities of the well site.</p>

24. Consistency with Local Ordinances, Resolutions, or Plans (example: conformance with local comprehensive plans, zoning, or capital improvement plans.)			
<input checked="" type="checkbox"/> No Impact <input type="checkbox"/> Beneficial <input type="checkbox"/> Adverse	<input type="checkbox"/> Direct <input type="checkbox"/> Indirect <input type="checkbox"/> Cumulative	<input type="checkbox"/> Permit <input type="checkbox"/> Mitigation <input checked="" type="checkbox"/> NA	<u>Current Conditions:</u> Per the Flathead County Zoning Regulations, this area is currently zoned as a "Scenic Corridor." The Scenic Corridor designation is intended to protect the scenic vistas and provide greater traffic safety along US Highway 93. Signage and cellular towers are regulated in this district. No other land use restrictions apply. <u>Preferred Alternative Environmental Narrative:</u> The well site is in compliance with the Flathead County Zoning Regulations.
25. Private Property Rights (example: a regulatory action or project activity that reduces, minimizes, or eliminates the use of private property.)			
<input type="checkbox"/> No Impact <input type="checkbox"/> Beneficial <input checked="" type="checkbox"/> Adverse	<input checked="" type="checkbox"/> Direct <input type="checkbox"/> Indirect <input type="checkbox"/> Cumulative	<input type="checkbox"/> Permit <input checked="" type="checkbox"/> Mitigation <input type="checkbox"/> NA	<u>Current Conditions:</u> The property is currently registered as residential property and is owned by Vistas Over Somers, LLC, according to the Montana Cadastral data. <u>Preferred Alternative Environmental Narrative:</u> The City of Somers will need to acquire approximately an 100' isolation easement from the current landowner. No septic or sanitary services will be allowed within the isolation easement. There are no other impacts to private property rights.
26. Environmental Justice (example: does the project avoid placing lower income households in areas where environmental degradation has occurred, such as adjacent to brownfield sites?)			
<input checked="" type="checkbox"/> No Impact <input type="checkbox"/> Beneficial <input type="checkbox"/> Adverse	<input type="checkbox"/> Direct <input type="checkbox"/> Indirect <input type="checkbox"/> Cumulative	<input type="checkbox"/> Permit <input type="checkbox"/> Mitigation <input checked="" type="checkbox"/> NA	<u>Current Conditions:</u> The poverty rate in Lakeside-Somers CCD is approximately 12.4%, whereas the poverty rate in Flathead County as a whole is 9.7%. <u>Preferred Alternative Environmental Narrative:</u> The proposed well does not anticipate to impact lower income households in Flathead County. The well site location is not known to include lower income households.
27. Lead Based Paint and/or Asbestos (example: does the project replace asbestos-lined pipes? Do any structures qualify as containing lead-based paint?)			
<input checked="" type="checkbox"/> No Impact <input type="checkbox"/> Beneficial <input type="checkbox"/> Adverse	<input type="checkbox"/> Direct <input type="checkbox"/> Indirect <input type="checkbox"/> Cumulative	<input type="checkbox"/> Permit <input type="checkbox"/> Mitigation <input checked="" type="checkbox"/> NA	<u>Current Conditions:</u> The well will not include or replace asbestos-lined pipes. The existing tank was installed in 2020; no lead based paint or asbestos is involved. <u>Preferred Alternative Environmental Narrative:</u> The project will not include the replacement of pipes, and the use of the aboveground storage tanks do not contain lead based paints or asbestos.

Additional Information

List all sources of information used to complete the Environmental Checklist. Sources may include studies, plans, documents, or the individuals, organizations, or agencies contacted for assistance. For individuals, groups, or agencies, please include a contact person and phone number. List any scoping documents or meetings and/or public meetings during project development.

[Lakeside-Somers CCD, Flathead County, Montana - Census Bureau Profile](#)

[HIS SHPO](#)

[Web Soil Survey](#)

[FEMA Flood Map Service Center | Welcome!](#)

[USGS | National Water Dashboard](#)

[StreamStats](#)

[National Wetlands Inventory](#)

[Montana | Rivers.gov](#)

[Critical Habitat for Threatened & Endangered Species \[USFWS\]](#)

[IPaC: Getting Started - Draw on Map](#)

[FLATHEAD COUNTY ZONING REGULATIONS](#)

[Map | Montana Cadastral](#)

[Home :: Flathead County](#)

[Montana Nonattainment/Maintenance Status for Each County by Year for All Criteria Pollutants | Green Book | US EPA](#)

Below is a list of electronic resources available for data gathering to aid in the development of the Environmental Checklist:

Abandoned Mines (DEQ): <https://deq.mt.gov/cleanupandrec/Programs/aml>

Agricultural Statistics (USDA): [USDA - National Agricultural Statistics Service - Data and Statistics](#)

Air Quality

- Nonattainment Areas: [Plan and Rule Development | Montana DEQ \(mt.gov\)](#)
- Opening Burning Guidelines: [Open Burning | Montana DEQ \(mt.gov\)](#)

Army Corps of Engineers: <http://www.usace.army.mil/Home.aspx>

Bureau of Business and Economic Research, UM: <http://www.bber.umt.edu/>

Cadastral (for property ownership info): <http://svc.mt.gov/msl/mtcadastral>

Census Information, MT Dept. of Commerce: <http://ceic.mt.gov>

Conservation Districts, MT: <http://macdnet.org/>

Cultural Records

- Montana Historical Society: <https://mhs.mt.gov/Shpo/CulturalRecords>

DEQ data search tools: [Montana DEQ's GIS Portal \(mt.gov\)](#)

- Including Clean Water Act Info Center, Hazardous Waste Handlers, Petroleum Release Fund Claims, Unpermitted Releases, Underground Storage Tanks, Source Water Protection

EPA Enforcement and Compliance History Online <http://echo.epa.gov/>

Farmland Classification: <http://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx>

Fish (Also See Wildlife)

- Montana Fisheries Information System: [Montana Fish, Wildlife & Parks GIS Data \(arcgis.com\)](https://arcgis.com)
- Aquatic Invasive Species: [Montana FWP AIS Surveys Dashboard 2021 \(arcgis.com\)](https://arcgis.com)

Floodplain Maps, FEMA: <https://msc.fema.gov/portal>

Geographic Information, Natural Resources Information System: <http://nris.mt.gov/gis>

Geologic Information - [MBMG - Publications - Download Geologic Maps \(mtech.edu\)](https://mtech.edu)

Maps of Montana for species observations, land cover, wetland and riparian areas, land management: [Montana Natural Heritage Program \(mtnhp.org\)](https://mtnhp.org); <http://mtnhp.org/mapviewer/?t=6>

Montana Department of Transportation: <https://www.mdt.mt.gov/>

- Environmental Manual: <http://www.mdt.mt.gov/publications/docs/manuals/env/preface.pdf>
- Environmental Manual - Chapter 29, Permits Required: <https://www.mdt.mt.gov/publications/docs/manuals/env/Chapter%2029%20PERMITS%20REQUIRED.pdf>

Montana Board of Oil and Gas Conservation Information System:

- <https://dnrc.mt.gov/BOGC/>

Plants

- Plant database, USDA Natural Resources Conservation Service: <http://plants.usda.gov/java>
- Plant Species, MT Field Guide: <http://fieldguide.mt.gov/default.aspx>
- Plant Species of Concern: <http://mtnhp.org/SpeciesOfConcern/Default.aspx?AorP=p>
- Threatened, Endangered and Rare Plants, USDA: <https://plants.usda.gov/home/raritySearch>

Soils

- USDA Natural Resource Conservation Service database: <https://websoilsurvey.nrcs.usda.gov/app/>
- Montana soil and water conservation districts: <http://swcdmi.org/>

State Historic Preservation Office: <http://mhs.mt.gov/Shpo>

Tourism, UM – Institute of Tourism & Recreation Research: <http://www.itrr.umt.edu>

Tribal Resources:

- Blackfeet Tribal Environmental Permits: <http://www.blackfeetenvironmental.com>
- CSKT Natural Resources Department: <http://nrd.csktribes.org/>
- Montana Office of Indian Affairs: <http://tribalnations.mt.gov/>
- Tribal Historic Preservation Officer List: [Search - NATHPO](https://nathpo.org)
- Tribal Directory Assessment Tool (TDAT): <https://egis.hud.gov/tdat/>

Vehicle Traffic Count (MDT): <http://www.mdt.mt.gov/publications/datastats/traffic.shtml>

Water

- Stream Record Extension Facilitator, USGS: [USGS | National Water Dashboard](#)
- Streamstats basin characteristics, USGS: <http://water.usgs.gov/osw/streamstats/>
- Water Resources Division, DNRC: <https://dnrc.mt.gov/Water-Resources/> ; [ArcGIS Web Application \(mt.gov\)](#)
- Water Rights Bureau, DNRC: <https://dnrc.mt.gov/Water-Resources/Water-Rights/>
- Water Right Query System, DNRC: [DNRC Water Right Query System \(mt.gov\)](#)
- Wetlands database, USFWS: <http://www.fws.gov/wetlands/Data/mapper.html>

Wild and Scenic Rivers: <http://www.rivers.gov/montana.php>

Wildlife

- Animal Species, MT Field Guide: <http://fieldguide.mt.gov/default.aspx>
- Animal Species of Concern: <http://mtnhp.org/SpeciesOfConcern/Default.aspx?AorP=a>
- Aquatic Invasive Species: [Montana FWP AIS Surveys Dashboard 2021 \(arcgis.com\)](#)
- Critical Habitat Mapper, USFWS: <http://ecos.fws.gov/crithab/>
- Crucial Areas Planning System/Habitat Assessment Tool: [Habitat MT \(HB 526\) Funded Lands \(arcgis.com\)](#)
- FWP Contact Map: <http://fwp.mt.gov/gis/maps/contactUs/> (includes biologist responsibility areas)
- Maps and GIS Data, FWP: [Montana Fish, Wildlife & Parks GIS Data \(arcgis.com\)](#)
- Sage grouse management, FWP: [Montana Fish, Wildlife & Parks GIS Data : Sage-grouse Habitat/Current Distribution \(Montana\) : Sage-grouse Habitat/Current Distribution \(Montana\) \(arcgis.com\)](#)
- Sage grouse habitat conservation program, DNRC: <http://sagegrouse.mt.gov/>
- Sage grouse habitat map: <https://sagegrouse.mt.gov/ProgramMap>



You are here: EPA Home > Green Book > >National Area and County-Level Multi-Pollutant Information >Montana Nonattainment/Maintenance Status for Each County by Year for All Criteria Pollutants

Montana Nonattainment/Maintenance Status for Each County by Year for All Criteria Pollutants

Data is current as of January 31, 2025

Listed by County, NAAQS, Area. The 8-hour Ozone (1997) standard was revoked on April 6, 2015 and the 1-hour Ozone (1979) standard was revoked on June 15, 2005.

* The 1997 Primary Annual PM-2.5 NAAQS (level of 15 µg/m³) is revoked in attainment and maintenance areas for that NAAQS. For additional information see the PM-2.5 NAAQS SIP Requirements Final Rule, effective October 24, 2016. (81 FR 58009)

Change the State:

MONTANA

Important Notes

Download National Dataset: dbf | xls | Data dictionary (PDF)

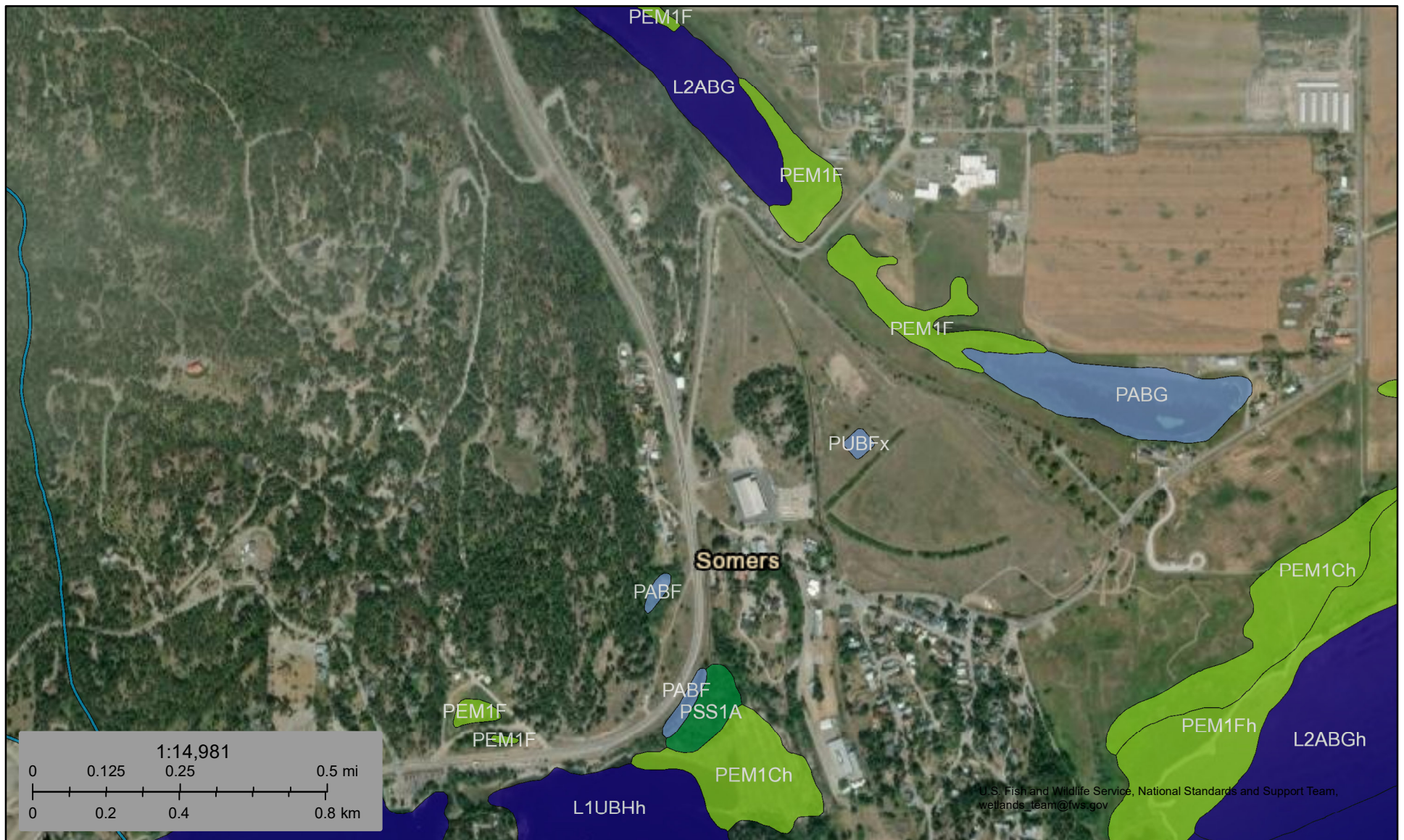
County	NAAQS	Area Name	Nonattainment in Year	Redesignation to Maintenance	Classification	Whole or Part County	Popu (20
MONTANA							
Cascade County	Carbon Monoxide (1971)	Great Falls, MT	92939495969798990001	07/08/2002	Not Classified	Part	57,
Flathead County	PM-10 (1987)	Flathead County; Columbia Falls and vicinity, MT	92939495969798990001020304050607080910111213141516171819	07/27/2020	Moderate	Part	4,
Flathead County	PM-10 (1987)	Flathead County; Kalispell and vicinity, MT	92939495969798990001020304050607080910111213141516171819	07/27/2020	Moderate	Part	18,
Flathead County	PM-10 (1987)	Flathead County; Whitefish and vicinity, MT	9394959697989900010203040506070809101112131415161718192021	07/08/2022	Moderate	Part	6,
Lake County	PM-10 (1987)	Lake County; Polson, MT	92939495969798990001020304050607080910111213141516171819202122232425	//	Moderate	Part	4,
Lake County	PM-10 (1987)	Lake County; Ronan, MT	92939495969798990001020304050607080910111213141516171819202122232425	//	Moderate	Part	2,
Lewis and Clark County	Lead (1978)	Lewis & Clark County (part); City of East Helena and vicinity, MT	929394959697989900010203040506070809101112131415161718	10/11/2019		Part	2,
Lewis and Clark County	Sulfur Dioxide (1971)	East Helena Area, MT	929394959697989900010203040506070809101112131415161718	10/11/2019		Part	2,
Lincoln County	PM-10 (1987)	Lincoln County; Libby and vicinity, MT	92939495969798990001020304050607080910111213141516171819	07/27/2020	Moderate	Part	3,
Lincoln County	PM-2.5 (1997)-NAAQS revoked	Libby, MT	050607080910111213141516171819202122	08/23/2023 *	Moderate	Part	9,
Missoula County	Carbon Monoxide (1971)	Missoula, MT	929394959697989900010203040506	09/17/2007	Moderate <= 12.7ppm	Part	59,
Missoula County	PM-10 (1987)	Missoula, MT	929394959697989900010203040506070809101112131415161718	06/24/2019	Moderate	Part	59,
Rosebud County	PM-10 (1987)	Rosebud County; Lame Deer, MT	92939495969798990001020304050607080910111213141516171819202122232425	//	Moderate	Part	5
Sanders County	PM-10 (1987)	Sanders County (part); Thompson Falls and vicinity, MT	94959697989900010203040506070809101112131415161718192021	07/08/2022	Moderate	Part	1,
Silver Bow County	PM-10 (1987)	Silver Bow County; Butte, MT	9293949596979899000102030405060708091011121314151617181920	07/26/2021	Moderate	Part	34,
Yellowstone County	Carbon Monoxide (1971)	Billings, MT	92939495969798990001	04/22/2002	Not Classified	Part	104



U.S. Fish and Wildlife Service

National Wetlands Inventory

Somers Water Well



February 14, 2025

Wetlands

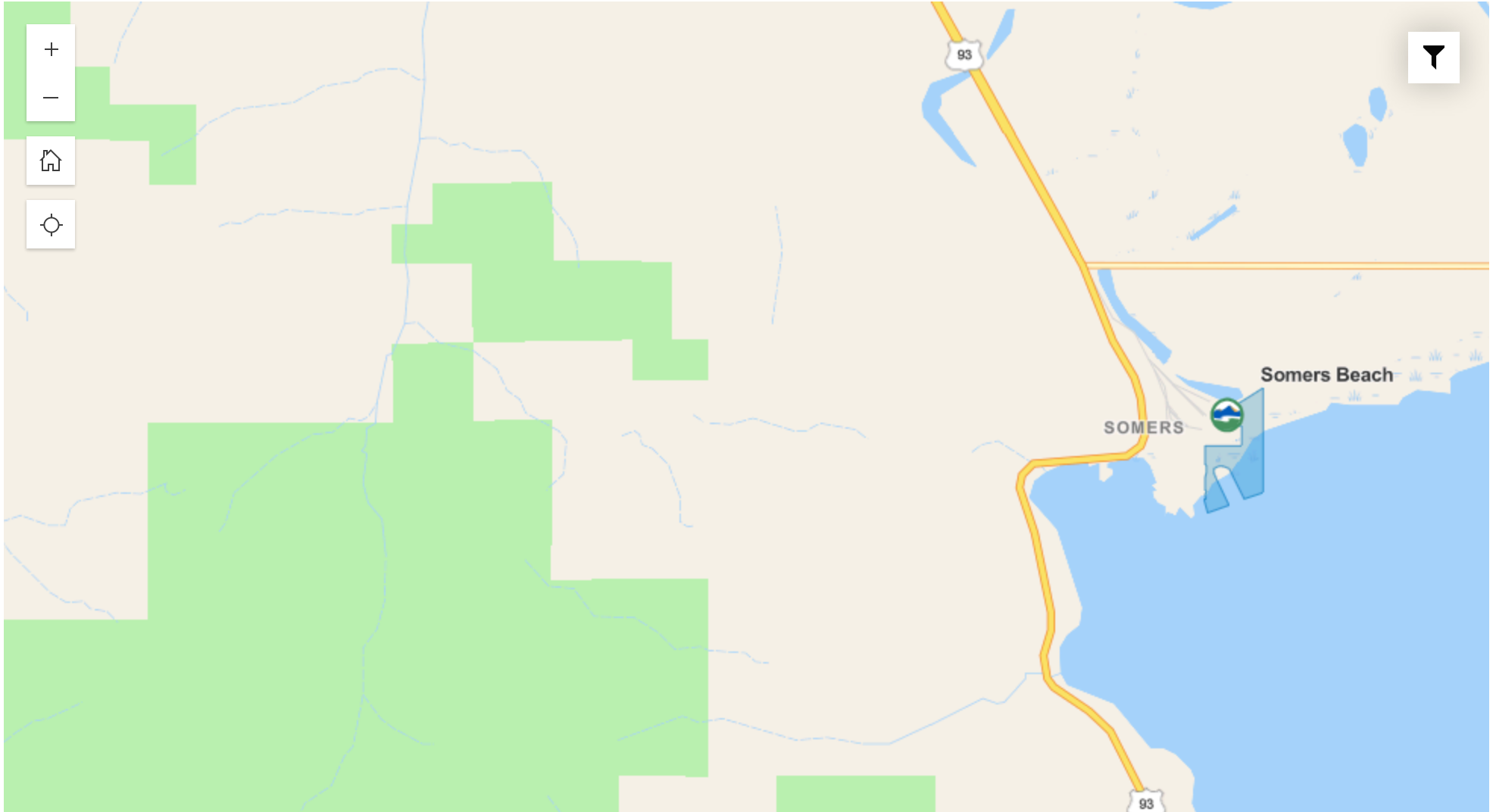
- Estuarine and Marine Deepwater
- Estuarine and Marine Wetland

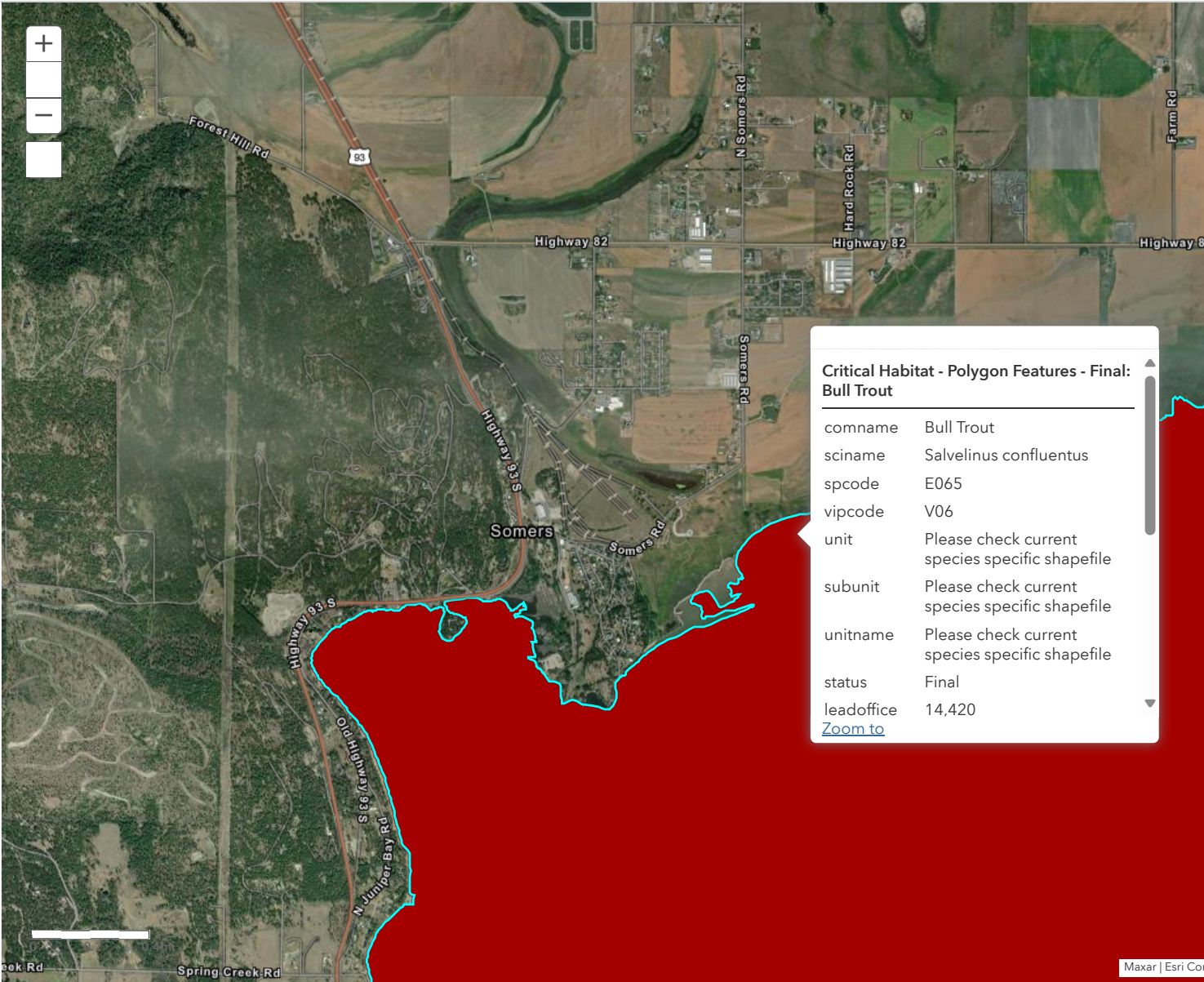
- Freshwater Emergent Wetland
- Freshwater Forested/Shrub Wetland
- Freshwater Pond

- Lake
- Other
- Riverine

This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.

State Parks Activities





Critical Habitat - Polygon Features - Final:
Bull Trout

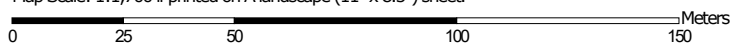
comname	Bull Trout
sciname	Salvelinus confluentus
spcode	E065
vipcode	V06
unit	Please check current species specific shapefile
subunit	Please check current species specific shapefile
unitname	Please check current species specific shapefile
status	Final
leadoffice	14,420
Zoom to	

Corrosion of Concrete—Upper Flathead Valley Area, Montana
(Somers Water Well)



Soil Map may not be valid at this scale.

Map Scale: 1:1,700 if printed on A landscape (11" x 8.5") sheet.



Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 11N WGS84




Natural Resources
Conservation Service

Web Soil Survey
National Cooperative Soil Survey


2/14/2025
Page 1 of 3

MAP LEGEND

Area of Interest (AOI)





 Area of Interest (AOI)

Background





 Aerial Photography

Soils





Soil Rating Polygons

-  High
-  Moderate
-  Low
-  Not rated or not available


Soil Rating Lines

-  High
-  Moderate
-  Low
-  Not rated or not available


Soil Rating Points

-  High
-  Moderate
-  Low
-  Not rated or not available

Water Features

 Streams and Canals

Transportation

-  Rails
-  Interstate Highways
-  US Routes
-  Major Roads
-  Local Roads

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:20,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL:
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Upper Flathead Valley Area, Montana
Survey Area Data: Version 21, Aug 28, 2024

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Aug 31, 2021—Oct 12, 2021

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Corrosion of Concrete

Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
931G	Repp-Kingspoint-Rock outcrop complex, 40 to 80 percent slopes	Low	8.6	100.0%
Totals for Area of Interest			8.6	100.0%

Description

ENG

Engineering

AGR

Agronomy

"Risk of corrosion" pertains to potential soil-induced electrochemical or chemical action that corrodes or weakens concrete. The rate of corrosion of concrete is based mainly on the sulfate and sodium content, texture, moisture content, and acidity of the soil. Special site examination and design may be needed if the combination of factors results in a severe hazard of corrosion. The concrete in installations that intersect soil boundaries or soil layers is more susceptible to corrosion than the concrete in installations that are entirely within one kind of soil or within one soil layer.

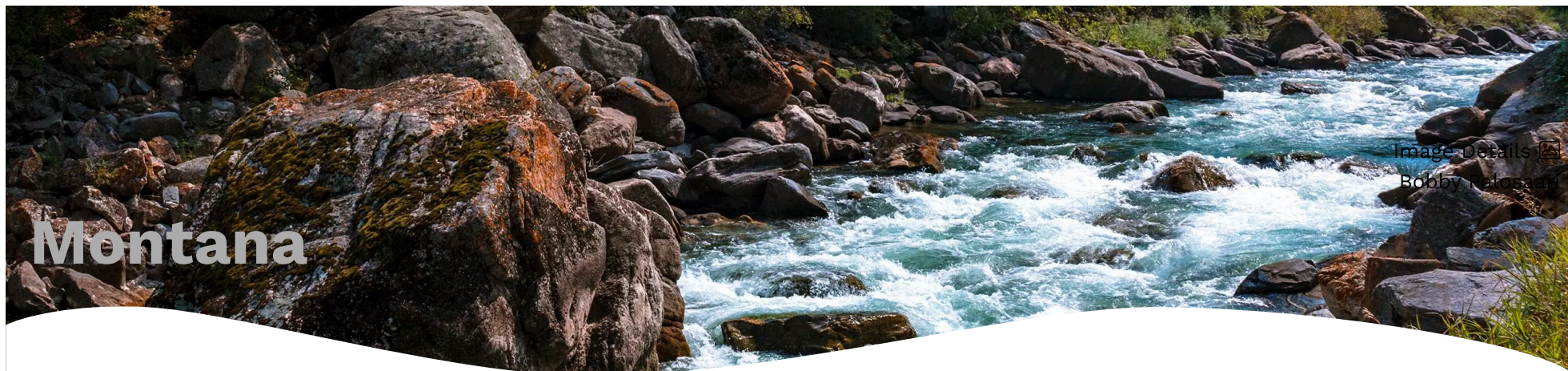
The risk of corrosion is expressed as "low," "moderate," or "high."

Rating Options

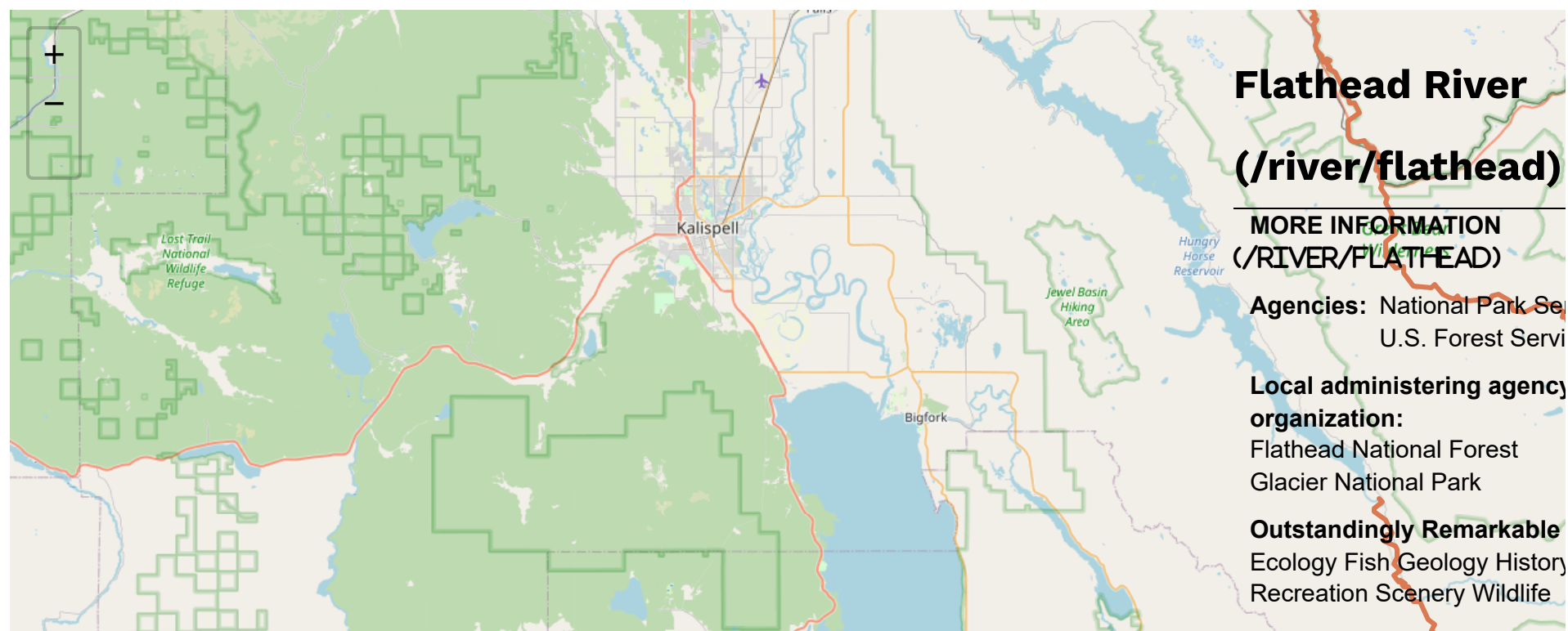
Aggregation Method: Dominant Condition

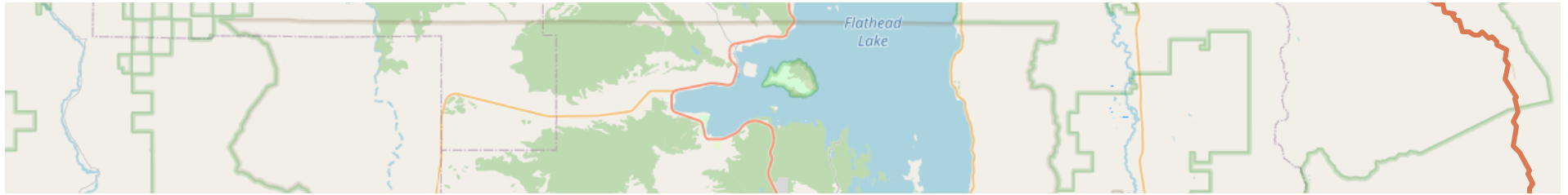
Component Percent Cutoff: None Specified

Tie-break Rule: Higher



If Montana's rivers weren't already famous, the movie *A river Runs Through It* showcased them to the world. However, only 408 miles of Montana's approximately 169,829 miles of river are designated as wild and scenic—approximately 2/10ths of 1% of the state's river miles.





Rivers In Montana



(/river/east-rosebud)

East Rosebud Creek **(/river/east-rosebud)**

Montana (/river/east-rosebud)



(/river/flathead)

Flathead River **(/river/flathead)**

Montana (/river/flathead)



(/river/missouri-montana)

Missouri River **(/river/missouri-** **montana)**

Montana (/river/missouri-montana)

[Contact Us \(/rivers/rivers/contact\)](/rivers/rivers/contact) | [National Awards \(/rivers/rivers/national-awards\)](/rivers/rivers/national-awards) |
[The Numbers \(/rivers/rivers/numbers\)](/rivers/rivers/numbers) | [Nationwide Rivers Inventory \(/rivers/rivers/nri\)](/rivers/rivers/nri) |
[Documents \(/rivers/rivers/documents\)](/rivers/rivers/documents) | [Accessibility \(/rivers/rivers/accessibility\)](/rivers/rivers/accessibility)

PARTNERS

[Bureau of Land Management \(https://blm.gov/programs/national-conservation-lands/wild-and-scenic-rivers\)](https://blm.gov/programs/national-conservation-lands/wild-and-scenic-rivers)
[National Park Service \(https://www.nps.gov/orgs/1912/index.htm\)](https://www.nps.gov/orgs/1912/index.htm)
[NPS Partnership Rivers \(https://www.nps.gov/orgs/1912/partnership-wild-and-scenic-rivers.htm\)](https://www.nps.gov/orgs/1912/partnership-wild-and-scenic-rivers.htm)
[U.S. Fish & Wildlife Service \(https://www.fws.gov/story/wild-and-scenic-rivers\)](https://www.fws.gov/story/wild-and-scenic-rivers)
[U.S. Forest Service \(https://www.fs.usda.gov/managing-land/wild-scenic-rivers\)](https://www.fs.usda.gov/managing-land/wild-scenic-rivers)
[River Management Society \(http://river-management.org/\)](http://river-management.org/)

REFERENCES

[Bibliography \(/rivers/rivers/bibliography\)](/rivers/rivers/bibliography)
[Interagency Council \(/rivers/rivers/council\)](/rivers/rivers/council)
[Stewardship \(/rivers/rivers/stewardship\)](/rivers/rivers/stewardship)
[News \(/rivers/rivers/news\)](/rivers/rivers/news)
[Videos \(/rivers/rivers/video\)](/rivers/rivers/video)
[Vulnerability Disclosure Policy \(/rivers/rivers/vulnerability-disclosure-policy\)](/rivers/rivers/vulnerability-disclosure-policy)





Soil Map—Upper Flathead Valley Area, Montana (Somers Water Well)



Soil Map may not be valid at this scale.

Map Scale: 1:1,700 if printed on A landscape (11" x 8.5") sheet.

0 25 50 100 150 Meters

0 50 100 200 300 Feet

Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 11N WGS84



**Natural Resources
Conservation Service**


Web Soil Survey
National Cooperative Soil Survey

2/14/2025
Page 1 of 3


Soil Map—Upper Flathead Valley Area, Montana
(Somers Water Well)

MAP LEGEND

Area of Interest (AOI)

 Area of Interest (AOI)

Soils

 Soil Map Unit Polygons

 Soil Map Unit Lines

 Soil Map Unit Points

Special Point Features



Blowout



Borrow Pit



Clay Spot



Closed Depression



Gravel Pit



Gravelly Spot



Landfill



Lava Flow



Marsh or swamp



Mine or Quarry



Miscellaneous Water



Perennial Water



Rock Outcrop



Saline Spot



Sandy Spot



Severely Eroded Spot



Sinkhole



Slide or Slip



Sodic Spot



Spoil Area



Stony Spot



Very Stony Spot



Wet Spot



Other



Special Line Features

Water Features



Streams and Canals

Transportation



Rails



Interstate Highways



US Routes



Major Roads



Local Roads

Background



Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:20,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service

Web Soil Survey URL:

Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Upper Flathead Valley Area, Montana

Survey Area Data: Version 21, Aug 28, 2024

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Aug 31, 2021—Oct 12, 2021

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Legend

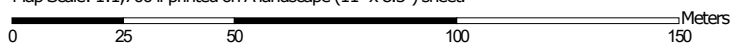
Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
931G	Repp-Kingspoint-Rock outcrop complex, 40 to 80 percent slopes	8.6	100.0%
Totals for Area of Interest		8.6	100.0%

Corrosion of Steel—Upper Flathead Valley Area, Montana (Somers Water Well)



Soil Map may not be valid at this scale.

Map Scale: 1:1,700 if printed on A landscape (11" x 8.5") sheet.



Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 11N WGS84




**Natural Resources
Conservation Service**

Web Soil Survey
National Cooperative Soil Survey


2/14/2025
Page 1 of 3

MAP LEGEND

Area of Interest (AOI)





 Area of Interest (AOI)

Background





 Aerial Photography

Soils





Soil Rating Polygons

-  High
-  Moderate
-  Low
-  Not rated or not available


Soil Rating Lines

-  High
-  Moderate
-  Low
-  Not rated or not available






Soil Rating Points

-  High
-  Moderate
-  Low
-  Not rated or not available

Water Features

 Streams and Canals

Transportation

-  Rails
-  Interstate Highways
-  US Routes
-  Major Roads
-  Local Roads

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:20,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL:
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Upper Flathead Valley Area, Montana
Survey Area Data: Version 21, Aug 28, 2024

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Aug 31, 2021—Oct 12, 2021

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Corrosion of Steel

Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
931G	Repp-Kingspoint-Rock outcrop complex, 40 to 80 percent slopes	Moderate	8.6	100.0%
Totals for Area of Interest			8.6	100.0%

Description

ENG

Engineering

AGR

Agronomy

"Risk of corrosion" pertains to potential soil-induced electrochemical or chemical action that corrodes or weakens uncoated steel. The rate of corrosion of uncoated steel is related to such factors as soil moisture, particle-size distribution, acidity, and electrical conductivity of the soil. Special site examination and design may be needed if the combination of factors results in a severe hazard of corrosion. The steel in installations that intersect soil boundaries or soil layers is more susceptible to corrosion than the steel in installations that are entirely within one kind of soil or within one soil layer.

The risk of corrosion is expressed as "low," "moderate," or "high."

Rating Options

Aggregation Method: Dominant Condition

Component Percent Cutoff: None Specified

Tie-break Rule: Higher

U.S. Geological Survey Quaternary Faults



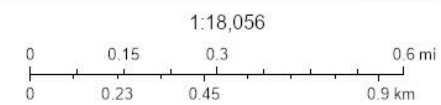
2/17/2025, 10:49:01 AM

Montana

Latest Quaternary (<15,000 years), inferred location

National Database

Latest Quaternary (<15,000 years), inferred location



USGS, Esri, HERE, Garmin, IPC, Maxar

USGS
USGS | Maxar | Esri, HERE, Garmin, IPC



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U.S. Department of the Interior answers.usgs.gov 1-888-ASK-USGS

Scale 15,348 Lat 48.0771 Lon -114.2101

500 m

1000 ft

National Water Dashboard

Overview

Layers

6

Legend

7

Tools

Purples

Sandstone and carbonate-rock aquifers

Browns

Carbonate-rock aquifers

Reds

Igneous and metamorphic-rock aquifers

Fire History 1984 - 2018

Flathead National Forest & Glacier National Park



Forest Service

CANADA
UNITED STATES

Fire Year

2011- 2018

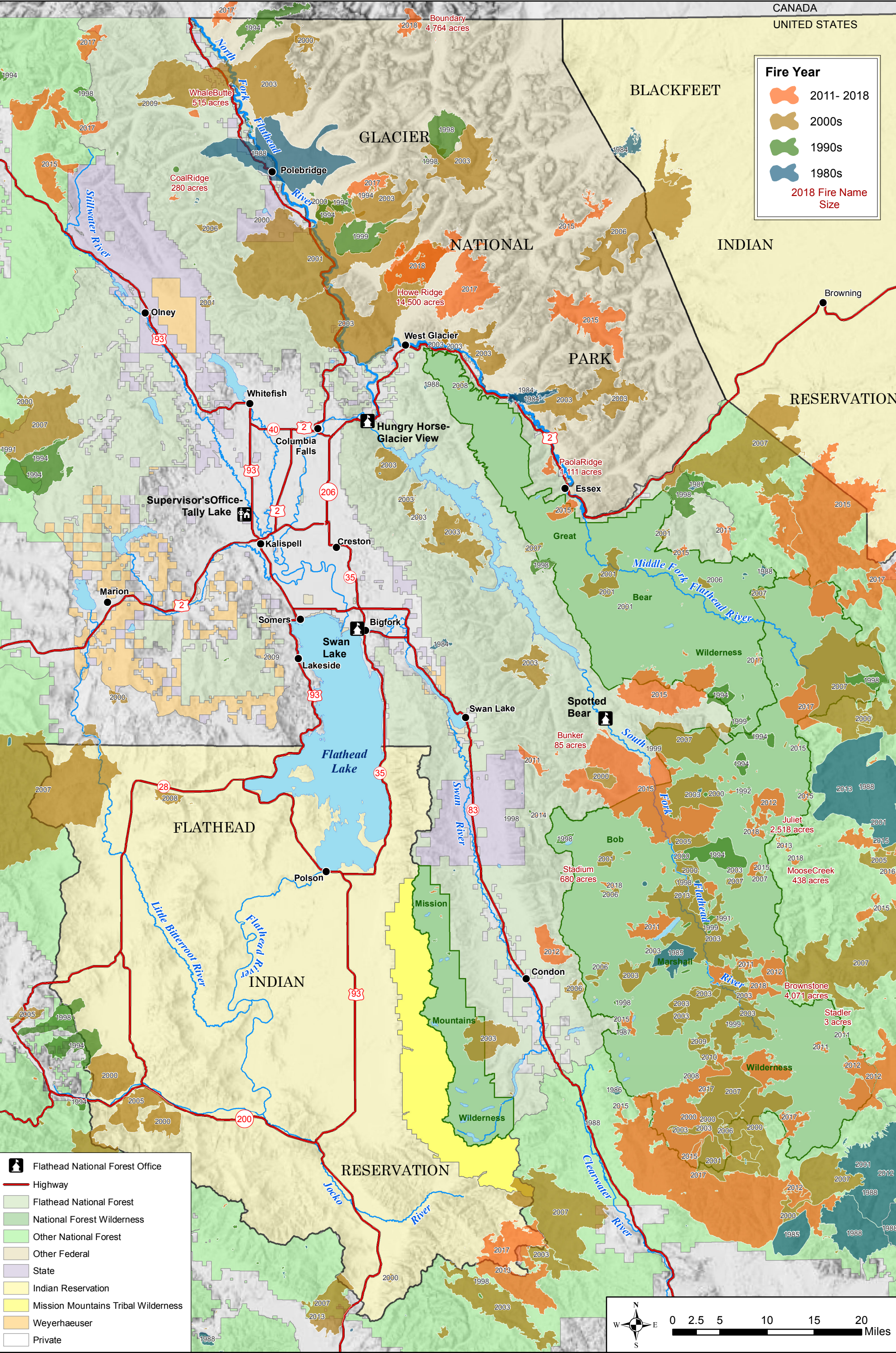
2000s

1990s

1980s

2018 Fire Name

Size



Flathead National Forest Office

Highway

Flathead National Forest

National Forest Wilderness

Other National Forest

Other Federal

State

Indian Reservation

Mission Mountains Tribal Wilderness

Weyerhaeuser

Private

0 2.5 5 10 15 20 Miles



National Seismic Hazard Model ACTIVE

By [Earthquake Hazards Program](#)

March 9, 2022

Overview

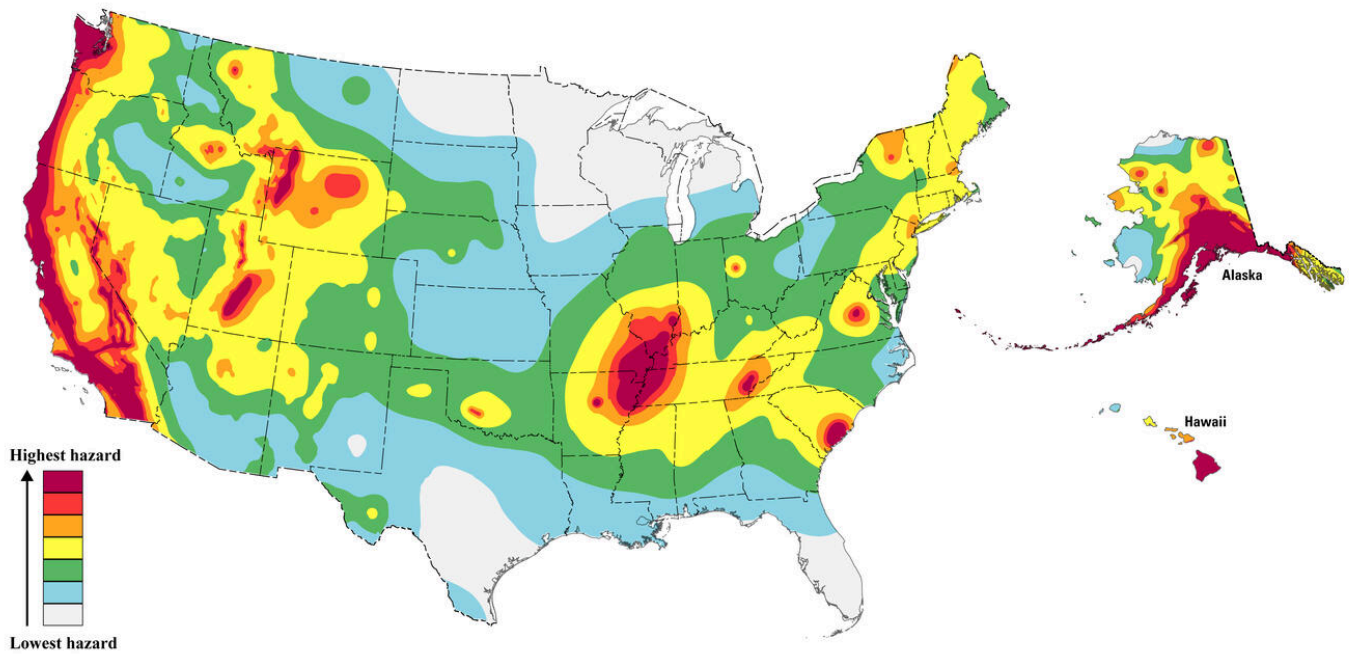
[Science](#)

Earthquakes cause an estimated annualized loss to the U.S. of several billions of dollars. To mitigate earthquake losses, it is necessary to evaluate the earthquake hazards across the country.

[Go to National Seismic Hazard Model Project](#)

The seismic hazard maps address this need by integrating what scientists have learned about earthquake sources, crustal deformation, active faulting, and ground shaking. This information is translated into a form that can be used to reduce the risk from earthquakes and to improve public safety. The resulting seismic hazard maps are improved and updated on a periodic basis by incorporating new information. The USGS maps are the basis for seismic provisions in building codes and for risk models used in insurance rate structures. An integral part of this project is a database describing Quaternary faults and digital maps of those faults for the U.S. and its territories.

Was this page helpful?



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Earthquake hazard map showing peak ground accelerations having a 2 percent probability of being exceeded in 50 years, for a firm rock site. The map is based on the USGS models for the conterminous U.S. (2023), Hawaii (2021), and Alaska (2023). The models are based on seismicity and fault-slip rates and take into account the frequency of earthquakes of various magnitudes. Locally, the hazard may be greater than shown, because site geology may amplify ground motions.

2023 50-State Update of the NSHM

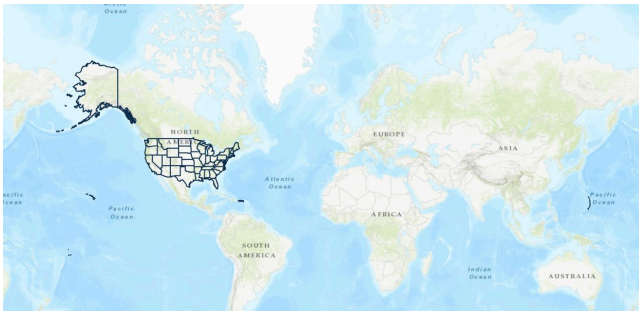
The USGS has completed and released the 2023 updated hazard model for the 50 states.

The 2023 NSHM includes recently updated ground motion models for subduction-zone faults (present in the Pacific Northwest and Alaska) as part of its updated national hazard assessment. The Hawaii portion of the NSHM has already been updated to reflect, in part, a swath of new earthquakes related to volcanic eruptions that have changed the way we understand ground shaking on the Island of Hawai‘i. The 2023 update for the lower 48 states includes targeted characterizations of shaking within sedimentary basins, large geological depressions generally filled with soft sediments down to deep bedrock, where major urban areas are often centered. New studies in southern and central California, Seattle, Portland, Reno, and Las Vegas have been performed to determine if these basin regions need special treatment within the NSHM.

Was this page helpful?

To broaden the utility of the NSHM beyond traditional design and assessment of buildings, USGS engineers and scientists are currently exploring potential applications that assess seismic risk for other critical infrastructure systems such as gas pipelines, highway bridges, and dams. Other engineering and risk research efforts related to the NSHM include 1) developing earthquake scenarios for response planning, 2) extending the ground shaking forecast to ground failures such as soil liquefaction that can cause additional damage, and 3) studying the interactions of multiple hazards for engineering and risk assessments of infrastructure systems.

Study Area



Explore Search

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- Accessibility
- FOIA
- Site Policies
- Privacy Policy
- Site Map
- DOI and USGS link policies apply
- No FEAR Act
- USA.gov
- Vulnerability Disclosure Policy



U.S. Geological Survey
U.S. Department of the Interior

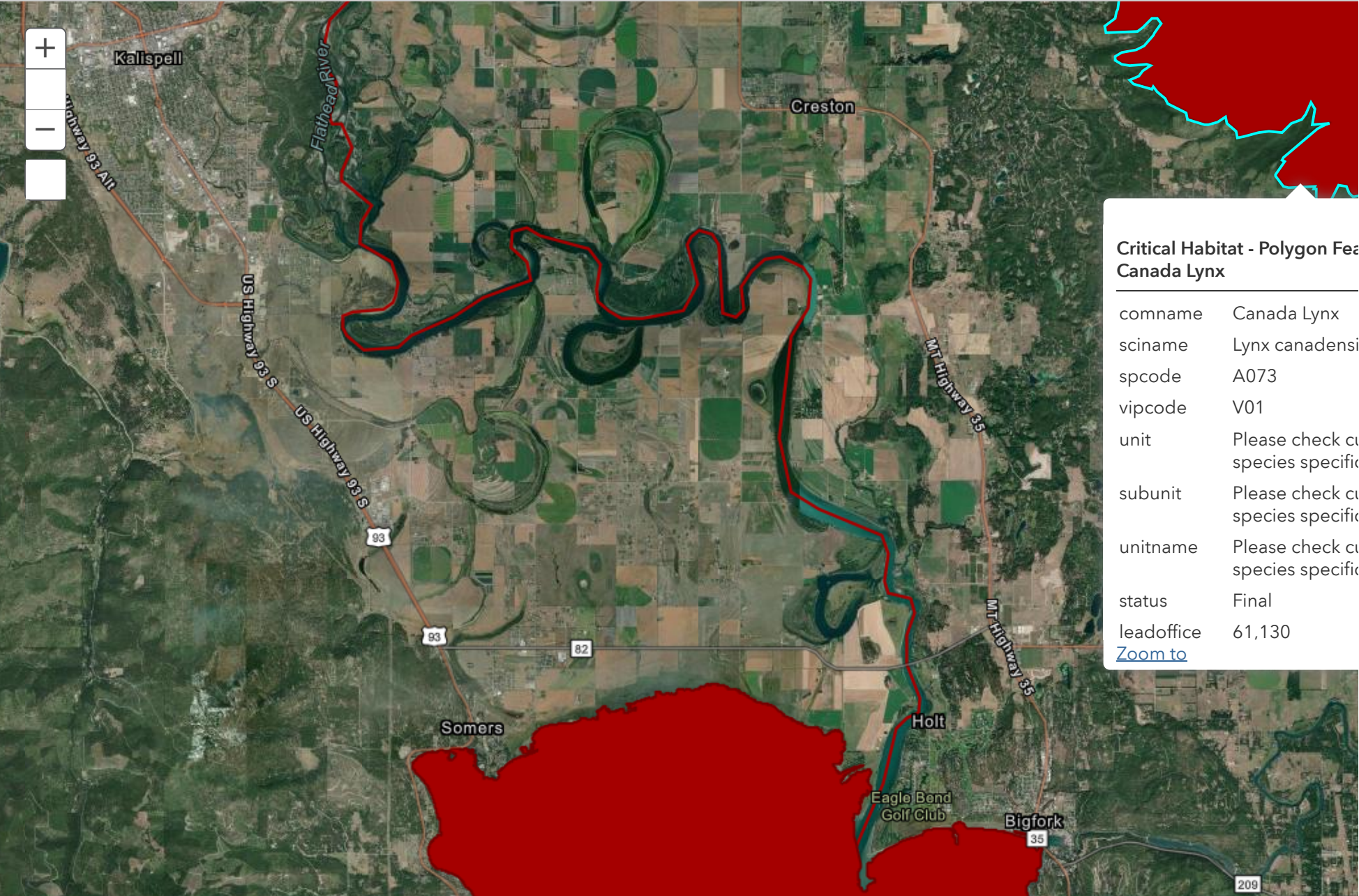


Contact USGS

1-888-392-8545
answers.usgs.gov

Was this page helpful?

Details | Basemap |



National Flood Hazard Layer FIRMMette



114°14'10"W 48°5'28"N



0 250 500 1,000 1,500 2,000 Feet 1:6,000

Basemap Imagery Source: USGS National Map 2023

Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

SPECIAL FLOOD HAZARD AREAS		Without Base Flood Elevation (BFE) Zone A, V, A99
		With BFE or Depth Zone AE, AO, AH, VE, AR
		Regulatory Floodway
OTHER AREAS OF FLOOD HAZARD		0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X
		Future Conditions 1% Annual Chance Flood Hazard Zone X
		Area with Reduced Flood Risk due to Levee. See Notes. Zone X
		Area with Flood Risk due to Levee Zone D
OTHER AREAS		NO SCREEN Area of Minimal Flood Hazard Zone X
		Effective LOMRs
		Area of Undetermined Flood Hazard Zone D
GENERAL STRUCTURES		Channel, Culvert, or Storm Sewer
		Levee, Dike, or Floodwall
OTHER FEATURES		20.2 Cross Sections with 1% Annual Chance Water Surface Elevation
		17.5 Cross Sections with 1% Annual Chance Water Surface Elevation
		Coastal Transect
		Base Flood Elevation Line (BFE)
		Limit of Study
		Jurisdiction Boundary
		Coastal Transect Baseline
MAP PANELS		Digital Data Available
		No Digital Data Available
		Unmapped



The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 2/11/2025 at 4:18 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.

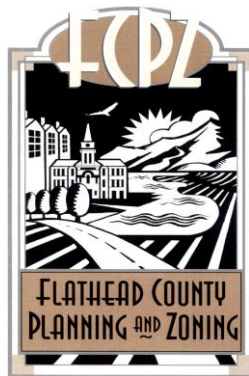
FLATHEAD COUNTY ZONING REGULATIONS

ADOPTED SEPTEMBER 27, 1993
RESOLUTION NO. 955A

ON FILE PERMANENT FILE NO. 9327013500
RECORDS OF FLATHEAD COUNTY, MONTANA
AND AS AMENDED

REVISED: August 31, 2023

Prepared by:



Flathead County Planning & Zoning Office
South Campus Building
40 11th Street West, Ste 220
Kalispell, MT 59901
406.751.8200

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CHAPTER I - GENERAL PROVISIONS

SECTION 1.01 TITLE

- 1.01.010 These regulations and the accompanying map(s) shall be known as, and shall be cited and referred to as, the “Flathead County Zoning Regulations” in accordance with and exercising the authority of Section 76-2-201, M.C.A.

SECTION 1.02 PURPOSE

- 1.02.010 The purpose of these regulations is to promote the health, safety, and general welfare of the community; to conserve natural resources; to provide adequate accommodations for transportation of people and goods; to provide adequate light and air; to facilitate the provisions for public works requirements such as water, sewer, and environmental needs; to ensure orderly development according to the Growth Policy adopted for all or parts of Flathead County; to regulate and restrict the height, number of stories, and size of buildings and other structures, the percentages of a lot that may be covered by impervious surfaces, the size of yards and other open spaces, the location and use of buildings, structures, and land for trade, industry, residences, and/or other uses; and the protection of the aesthetic resources of Flathead County.

SECTION 1.03 SEVERABILITY

- 1.03.010 If any provision of these regulations is held invalid, such invalidity shall not affect other provisions which can be given effect without the invalid provision, and to this end the provisions of these regulations are declared to be severable.

SECTION 1.04 SCOPE

- 1.04.010 It is not intended for these regulations to repeal, abrogate, annul, or in any way impair or interfere with existing provisions of other laws, ordinances, or resolutions, except those specifically repealed by the adoption of these regulations, or with restrictive covenants running with the land to which the Board of County Commissioners is a party. Where these regulations impose a greater restriction on land, buildings, or structures than is imposed or required by such existing provisions of law, ordinance, resolution, contract, or deed, the provisions of these regulations shall control.
- 1.04.020 The growth policy and neighborhood plans are not regulatory and do not confer any authority to regulate. The growth policy and neighborhood plans are intended to provide direction and guidance when consideration is given to adopting, amending, and interpreting zoning regulations.
- 1.04.030 When a proposed amendment to the zoning designations of Flathead County falls within the jurisdiction of the City-County Planning Board of an incorporated city, the City-County Planning Board shall have the authority to review the request and make a recommendation to the Board of County Commissioners for a final determination.
- 1.04.040 These regulations may be applied throughout the County, regardless of planning jurisdictions, wherever a County zoning district is created.

CHAPTER II - ADMINISTRATION

SECTION 2.01 ZONING ADMINISTRATOR

2.01.010 There is hereby created the position of Zoning Administrator, who shall be a duly appointed person charged with the administration, interpretation, and enforcement of these zoning regulations.

2.01.020 Duties of Zoning Administrator:

The Zoning Administrator, his assistant, or designee shall:

1. Enforce any and all provisions of these regulations;
2. Keep complete, accurate, and secure records;
3. Accept applications and appeals and ensure their appropriateness and completeness;
4. Accept and remit fees as established in the adopted administrative procedures;
5. Update these regulations and any associated maps as directed by the Board of County Commissioners.
6. Undertake any other administrative function appropriate to the Office of Zoning Administrator upon written approval of the Board of County Commissioners;
7. Report to the Board of County Commissioners any recommendations for changes and improvements in these regulations and procedures therein;
8. Issue any permit granted by the Board of County Commissioners or the Board of Adjustment, and make periodic inspections to verify that all conditions of such granted permits are complied with by the applicant or his agent;
9. Receive and investigate allegations of non-compliance or violations of these regulations, report findings to the Board of County Commissioners, and file a complaint where such allegations are based on apparent fact;
10. Refer any matters under appeal to the Board of Adjustment for their action;
11. Make recommendations to the Planning Board or to the Board of County Commissioners in connection with any subdivision review or to the Board of Adjustment in connection with any application for Conditional Use Permit, variance, or appeal, such conditions as he may deem necessary in order to fully carry out the provisions and intent of these regulations.
12. Determine the location of any district boundary shown on the zoning districts adopted as part of these regulations when such location is in doubt; and
13. Refer to the Planning Board for placement of all uses not categorically permitted and not sufficiently similar to listed uses for the Zoning Administrator to administratively declare them allowable.

SECTION 2.02 PLANNING BOARD

- 2.02.010 The Planning Board for Flathead County shall be known as the “Flathead County Planning Board: and may be referred to as the “Planning Board” (Section 76-1-101, M.C.A.)
- 2.02.020 The membership of the Planning Board shall consist of nine (9) members representative of the Board’s jurisdiction with terms, status and appointments as set forth in Section 76-1-211 and 212, M.C.A.
- 2.02.030 The members of the Planning Board shall serve without compensation, other than reimbursement for approved budgeted expenditures incurred in carrying out the functions of the Planning Board.
- 2.02.040 It shall be the duty of the Planning Board to hold public hearings and to make recommendations to the Board of County Commissioners on all matters relating to the creation and amendment of the Growth Policy; the creation of zoning districts and the regulations to be enforced therein; amendments to the zoning districts of Flathead County; and future amendments to these regulations; (Section 76-1-106, M.C.A.) The Planning Board is also authorized to confer with and advise other City, County, Regional, or State planning and/or zoning commissions.
- Refer also to Section 2.08.050.
- 2.02.050 The jurisdiction of the Flathead County Planning Board for the review of the creation of new zoning districts and the re-zoning of existing zoning districts shall be made up of those areas outside of the planning jurisdictions of the incorporated cities of Flathead County.

SECTION 2.03 BOARD OF ADJUSTMENT

- 2.03.010 There is hereby created a “Board of Adjustment”.
- 2.03.020 The Board of Adjustment shall consist of five members appointed by the Board of County Commissioners.
- 2.03.030 Board members shall serve without compensation, other than reimbursement for approved budgeted expenditures incurred in carrying out the functions of the Board.
- 2.03.040 Board members shall be appointed for a term of 2 years. The powers, duties, and terms of office, including hearing appeals, variances, and Conditional Use Permits are set forth in Section 76-2-221 through 76-2-228, M.C.A., and any supplemental Rules of Procedure adopted by the Flathead County Board of Adjustment.

SECTION 2.04

APPEALS (BOARD OF ADJUSTMENT)

2.04.010

Any person, unit of government or agency may file an appeal when aggrieved by a decision or interpretation by the Zoning Administrator, provided that the appeal is based on an allegation that:

1. The Zoning Administrator made an error in the interpretation of these regulations, and
2. The erroneous interpretation specifically aggrieves the appellant.

2.04.020

Application and Procedure

1. Appeals must be filed in the manner provided, and after payment of fees within 30 days from the time the officer charged with enforcement of these regulations has made a written interpretation or determination of these regulations.
2. No part of any such fee shall be refundable after an appeal is filed and such fee paid.
3. The Zoning Administrator shall fix a reasonable time for a hearing and give public notice thereof to the parties of interest and the public by publishing notice in a newspaper of general circulation in the community at least 15 days prior to such hearing.
4. Where an appeal concerns a particular piece of property, all property owners within 150 feet of the subject property shall be notified by mail at least 15 days prior to said hearing. When the subject property abuts a right-of-way, the 150-foot measurement shall be in addition to this right-of-way along the abutting side.
5. An appeal under the terms of these regulations stays all proceedings in the matters appealed unless the Zoning Administrator certifies to the Board of Adjustment hearing the application that, by reason of the facts stated in the certification, a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed, except by a restraining order granted by the Board hearing the appeal or a court of record.
6. Decisions of the Board shall be by motion. The basis for the decision on each appeal, and a detailed summary of the facts and basis supporting such determination shall be recorded in the decision and shall constitute a part of the record thereof.
7. The concurring vote of three members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Administrator or to decide in favor of the appellant on any other matter.
8. A hearing may be continued at the request of the appellant or upon motion of the Board, provided however, that the granting of a continuance is a matter of grace, resting solely in the discretion of the Board, and a refusal to continue is not a denial of a right, condition or otherwise.

9. Decision on continuance of a hearing can be reached by a simple majority, but must be made prior to voting on the appeal itself.
10. Any person aggrieved by a decision of the Board of Adjustment may file an appeal with a court of competent jurisdiction within 30 days of the filing of the decision by the Board (Section 76-2-227, M.C.A.). The decision is considered filed on the day that the Zoning Administrator mails notification of the Board's decision.

SECTION 2.05 VARIANCE (BOARD OF ADJUSTMENT)

2.05.010 Certain circumstances may exist or arise wherein an unnecessary hardship is created through strict adherence to the provisions of these regulations. There are hereinafter provided provisions for the granting of a variance from the provisions of these regulations, so that the public welfare is secured and substantial justice can be done to those so affected. However, a variance that would allow the placement of a use that is not normally allowed under the zoning of the site shall be neither considered nor granted.

2.05.020 Application for a Variance

1. Application for a variance may be filed by any property owner or their designated agent for the affected property.
2. Such application shall be made on a form provided by the office of the Zoning Administrator. Multiple requests for variances for the same project may be filed on a single application and charged a single fee.
3. The completed application and fee as set by the Flathead County Board of Commissioners shall be submitted to the Zoning Administrator.
4. No part of any such fee shall be refundable after an application is filed and such fee paid.

2.05.030 Procedure for Consideration

1. After acceptance by the Zoning Administrator or his designee, the completed application shall be transmitted to the staff of the Board of Adjustment for their review and evaluation. The Zoning Administrator shall set a hearing date, publish notice thereof as provided for in these regulations, and notify all parties of interest. Public notice of the hearing shall be placed in a newspaper of general circulation in the community at least 15 days prior to the date of the hearing.
2. Written notice shall be mailed to all property owners within 150 feet of the subject property at least 15 days prior to the said hearing. Where the subject property abuts a right-of-way, the 150-foot measurement shall be in addition to this right-of-way along the abutting side.
3. Findings are required to be made by the Board for approval of a variance. No variance shall be granted unless the Board finds that all of the following conditions are met or found to be not pertinent to the particular case:
 - A. Strict compliance with the provisions of these regulations will:

- (1) Limit the reasonable use of the property, and
 - (2) Deprive the applicant of rights enjoyed by other properties similarly situated in the same district.
 - B. The hardship is the result of lot size, shape, topography, or other circumstances over which the applicant has no control.
 - C. The hardship is peculiar to the property.
 - D. The hardship was not created by the applicant.
 - E. The hardship is not economic (when a reasonable or viable alternative exists).
 - F. Granting the variance will not adversely affect the neighboring properties or the public.
 - G. The variance requested is the minimum variance which will alleviate the hardship.
 - H. Granting the variance will not confer a special privilege that is denied other similar properties in the same district.
4. Every decision of the Board of Adjustment shall be made by motion and shall be based upon “Findings of Fact” and every Finding of Fact shall be supported in the record of its proceedings. The above criteria required to grant a variance under these regulations shall be construed as limitations on the power of the Board to act. A mere finding or recitation of the enumerated conditions unaccompanied by findings of specific fact shall not be deemed in compliance with these regulations.
 5. In approving a variance, the Board may impose such conditions as are, in its judgment, necessary to promote the general provisions of these regulations.
 6. It shall take the affirmative vote of three members of the Board to grant a variance. Failing such vote the request for variance is denied.
 7. A hearing may be continued at the request of the applicant or upon motion of the Board, provided however, that the granting of a continuance is a matter of grace, resting solely in the discretion of the Board, and a refusal to continue is not a denial of a right, conditional or otherwise.
 8. Decision on continuance of a hearing can be reached by a simple majority, but must be made prior to voting on the application itself.
 9. A variance shall be valid indefinitely, provided it is exercised within one year of the date of issuance, or as otherwise provided for by the Board of Adjustment.
 10. A request may be re-heard only when there has been a manifest error affecting the Board’s decision or it appears that a substantial change in facts, evidence, or

conditions has occurred. Such determination shall be made by the Zoning Administrator within 60 days of final action of the Board.

11. Any persons aggrieved by a decision of the Board of Adjustment may file an appeal with a court of competent jurisdiction within 30 days of the filing of the decision by the Board (Section 76-2-227, M.C.A.).

SECTION 2.06 CONDITIONAL USE PERMITS (BOARD OF ADJUSTMENT)

2.06.010 No structure, building or land shall be used, constructed, altered, or expanded where a Conditional Use Permit is specifically required by the terms of these regulations until a Conditional Use Permit for such use has been authorized by the Board of Adjustment and issued by the Zoning Administrator.

2.06.020 Structures or buildings devoted to any use which is permitted under the terms of these regulations, subject to the securing of a Conditional Use Permit, may be altered, added to, enlarged, expanded, or moved from one location to another on the lot only after securing a new Conditional Use Permit.

2.06.030 Application

1. Application for a Conditional Use Permit may be made by the owner of the affected property or by his designated agent on a form that may be obtained from the Zoning Administrator.
2. The completed application and fee as set by the Flathead County Board of Commissioners shall be submitted to the Zoning Administrator. Said fee is not refundable.

2.06.040 Procedures for Consideration

1. After acceptance by the Zoning Administrator or his designee, the completed application shall be transmitted to the staff of the Board of Adjustment for their review and evaluation.
2. The Zoning Administrator shall set a date for a public hearing and publish a public notice which advertises said hearing before the Board of Adjustment at least once in a newspaper of general circulation in the community at least 15 days prior to the meeting of the Board at which the application is to be considered.
3. The Zoning Administrator shall also mail written notice to all abutting and adjacent property owners within 150 feet of the subject property not less than 15 days prior to the date of formal review by the Board. When the subject property abuts a right-of-way, the 150-foot measurement shall be in addition to the right-of-way along the abutting side.
4. Any person may submit written comments on the application through the mail, electronic mail, or in person. Any such comments should specifically state how the granting of the request would adversely or injuriously affect their personal or legal interests. All such comments shall become part of the record of the application.

5. The Board shall consider the application at its next regular meeting following the public notice process.
6. In certain circumstances, the Board of County Commissioners may elect to place certain required Conditional Use Permits into an administrative review category; for example, those that may be required for minor amendment to the already approved Conditional Use Permit, whereby the Zoning Administrator may issue such an Administrative Conditional Use Permit in compliance with guidelines set forth by the Board of Adjustment. This provision shall not be construed so as to give the power to grant or deny the Conditional Use Permit to other than the Board of Adjustment, and shall apply only to specific categories of instances predetermined by the Board of County Commissioners and the Board of Adjustment.

2.06.045

Administrative Conditional Use Permit Procedure

1. In certain circumstances, the Board of County Commissioners may elect to place certain required Conditional Use Permits into an administrative review category; for example, those that may be required for minor amendment to the already approved Conditional Use Permit, whereby the Zoning Administrator may issue such an Administrative Conditional Use Permit in compliance with guidelines set forth by the Board of Adjustment. This provision shall not be construed so as to give the power to grant or deny the Conditional Use Permit to other than the Board of Adjustment, and shall apply only to specific categories of instances predetermined by the Board of County Commissioners and the Board of Adjustment.
2. Upon receipt of a complete application and filing fee as set by the Flathead County Board of Commissioners, the Zoning Administrator or his designee shall prepare a notice containing the pertinent facts to the application and shall have said notice served by first class mail upon property owners within 150 feet of the subject property. When the subject property abuts a right-of-way or river, the 150-foot measurement shall be in addition to the right-of-way or river width along the adjacent side. The notice shall provide a reasonable period of time, not less than 15 calendar days, for interested parties to submit comments on the proposed activity. Within 10 working days of the end of the comment period a written determination shall be mailed to the applicant approving or denying the Permit.
3. The application and format used for the submittal of the Administrative Conditional Use Permit shall be the same as found in the Flathead County Zoning Regulations for Conditional Use Permit applications. All information required for the application shall be supplied by the applicant. The evaluation criteria for this Administrative Permit shall be supplied by the applicant. The evaluation criteria for this Administrative Permit shall be the same criteria as outlined in Section 2.06.080 (Criteria Required for Consideration of a Conditional Use Permit) of the Flathead County Zoning Regulations. The application and all subsequent information, correspondence, evaluations, recommendations, and decisions shall be placed on permanent file in the office of the Flathead County Zoning Administrator.

4. If there is no written public opposition and the project meets the criteria, the project will be approved. The Zoning Administrator shall issue a Grant of Administrative Conditional Use Permit with or without conditions of approval, which will be indicated on the face of the permit.
5. When written opposition from any person is received prior to the end of the comment period and the expressed concerns of the opposition specifically states how the request would adversely or injuriously affect their personal or legal interests and cannot be resolved by the applicant or by conditions of approval, the Administrative Conditional Use Permit will be scheduled for the next available Board of Adjustment meeting for a decision. The applicant shall be responsible for all additional information and filing fees required.
6. If the Administrative Conditional Use Permit is denied by the Zoning Administrator the denial may be appealed. This appeal shall be made in accordance with Section 2.04 (Appeals) of the Flathead County Zoning Regulations. The appellant is responsible for all information and additional filing fees required.
7. If the Administrative Conditional Use Permit is approved by the Zoning Administrator, the approval may be appealed by any person, unit of government, or agency who has been aggrieved by the decision. This appeal shall be made in accordance with Section 2.04 (Appeals) of the Flathead County Zoning Regulations. The appellant shall be responsible for all information and any filing fees required.

NOTE:

DESIGNATION OF ADMINISTRATIVE CONDITIONAL USE PERMITS AND ADMINISTRATIVE USES.

The following uses that are provided for as conditional uses in all County Zones, AG-80, 40, 20, SAG-10, 5, R-2.5, R-1, 2, 3, 4, 5, RC-1, RA-1, RR-1, B-1, 2, 3, 4, BS, I1, I-1H, I-2, P, LBL, WV, HD, RL, AL, LL, NF, LS, and BS may be designated as Administrative Conditional Uses:

- Bed and Breakfast Establishment
- Caretaker Facility
- Certain Types of Community Residential Facility
- Minor Expansion of an Existing Use that Required a Conditional Use Permit
- Airplane Hangars in Conjunction with an Airport
- Temporary Building, Structure or Use
- Family Hardship Dwelling
- Cellular Communications Tower
- Dwelling, Family Hardship
- Short Term Rental Housing
- Dwelling Unit, Accessory (ADU)
- Contractor's storage yard
- Recreational vehicles

1. Upon rendering a decision to grant a Conditional Use Permit, the Board of Adjustment shall notify the Zoning Administrator of their decision, and he or she shall issue a Conditional Use Permit with stipulations, itemized in brief on the face of the permit. The application and all subsequent information, correspondence, evaluations, recommendations, and decisions shall be placed on permanent file in the office of the Zoning Administrator.
2. A minor modification to a previously approved Conditional Use Permit may be granted by the Zoning Administrator if it is determined that the requested modification would not constitute a substantial change to the findings of fact in the original approval, and that the proposed location, size, design, and operating characteristics of the proposed use and the original conditions of approval would not be altered or be detrimental to the public health, safety, or general welfare. The Zoning Administrator shall deny the requested modification upon finding the request constitutes a substantial change. In such cases, the applicant may apply for approval of a use or condition modification, as appropriate, in accordance with the procedures set forth in this section.

2.06.060

Termination and Transferability.

Once granted, the Conditional Use Permit, with its terms and conditions, shall:

1. Run with the lot, building, structure, or use and shall not be affected by change of ownership.
2. Terminate twelve (12) months from the date of authorization if commencement of authorized activity has not begun:
 - A. Unless otherwise specified in the conditions of approval, or
 - B. Unless the applicant can demonstrate and maintain a continuous effort in good faith (preparing financing, securing state or federal permits, undertaking engineering and design, etc.) in commencing the activity.

2.06.070

Denial of Application

In the event an application is denied by the Board of Adjustment, no resubmittal of an application for a Conditional Use Permit may be made for one year from the date of said denial, unless sufficient new evidence or conditions are offered to the Zoning Administrator to demonstrate to him that circumstances have altered and that further consideration of the application is warranted. In such an event, the resubmitted application shall follow the same procedures as the original, and shall be treated as a new application.

2.06.080

Criteria Required for Consideration of a Conditional Use Permit.

1. A Conditional Use Permit may be granted only if the proposal, as submitted, conforms to all of the following general Conditional Use Permit criteria, as well as to all other applicable criteria that may, be requested.
 - A. Site Suitability.

That the site is suitable for the use. This includes:

- (1) adequate usable space,
- (2) adequate access, and
- (3) absence of environmental constraints.

B. Appropriateness of Design.

The site plan for the proposed use will provide the most convenient and functional use of the lot. Consideration of design should include:

- (1) parking scheme,
- (2) traffic circulation,
- (3) open space,
- (4) fencing, screening,
- (5) landscaping,
- (6) signage, and
- (7) lighting

C. Availability of Public Services and Facilities.

The following services and facilities are to be available and adequate to serve the needs of the use as designed and proposed:

- (1) sewer,
- (2) water,
- (3) storm water drainage,
- (4) fire protection,
- (5) police protection, and
- (6) streets.

D. Immediate Neighborhood Impact.

That the proposed use will not be detrimental to surrounding neighborhoods in general. Typical negative impacts which extend beyond the proposed site include:

- (1) excessive traffic generation,
- (2) noise or vibration,
- (3) dust, glare, or heat,
- (4) smoke, fumes, gas, or odors, and
- (5) inappropriate hours of operations.

2.06.090 Burden of Proof.

The burden of proof for satisfying the aforementioned criteria shall rest with the applicant and not the Board of Adjustment. The granting of a Conditional Use Permit is a matter of grace, resting in the discretion of the Board of Adjustment and a refusal is not the denial of a right, conditional or otherwise.

2.06.100 Board of Adjustment Decision Based on Findings.

Every decision of the Board of Adjustment pertaining to the granting, denial, or amendment of a request for a Conditional Use Permit shall be based upon “Findings of Fact”, and every Finding of Fact shall be supported in the records of its proceedings. The

conditions in Section 2.06.080 as they relate to matters, which the Board of Adjustment is empowered to review under these regulations, shall be construed as a limitation on the power of the Board of Adjustment to act in the matter of issuance of Conditional Use Permits. A mere finding or recitation of the enumerated conditions, unaccompanied by findings of specific fact, shall not be deemed in compliance with these regulations.

SECTION 2.07 NON-CONFORMING USES

- 2.07.010 If, at the time of adoption of these regulations or of any amendments thereto, or at the time a zoning district to which these regulations are applied is created, any lot, structure, or building being used in an otherwise lawful manner that does not conform to the use provisions of these regulations, or if any structure or building was located or erected in an otherwise lawful manner that does not conform to the yard, lot coverage, height limit, or parking and loading provisions of these regulations, such use of such location or erection shall be deemed to be a non-conforming use and may continue in the manner and to the extent that it existed or was being used at the time of adoption of these regulations. Such non-conforming status will run with the lot, building, structure, or use and shall not be affected by changes in ownership.
- 2.07.020 Any non-conforming use may be continued except if any such non-conforming use is abandoned or deserted, or voluntarily or by legal action caused to be discontinued for a period of 180 days, then any subsequent use of the lot, building, structure, or use of the land shall be required to be in conformity with the provisions of these regulations.
- 2.07.030 Any building for which a building permit has been issued or, if a building permit is not required, on-site construction has begun prior to the adoption or amendment of these regulations, or creation of a zoning district to which these regulations apply, and the erection of which is in conformity with the plans submitted and approved for such permit, but does not conform to the provisions of these regulations, is a non-conforming use.
- 2.07.040 Changes Permitted to Non-Conforming Uses.
1. Routine maintenance and repair or those modifications required by applicable health and safety codes shall be permitted.
 2. A non-conforming building or structure may be enlarged, extended, reconstructed, or structurally altered if said building or structure is changed to completely conform with these regulations.
 3. A building or structure conforming with respect to use but non-conforming with respect to height, setback, or lot coverage may be altered or extended if the alteration or extension does not further deviate from these regulations.
 4. A non-conforming use may be expanded, subject to a Conditional Use Permit, within the confines of the lot or parcel of land upon which it is located at the time of the adoption or amendment of these regulations.
 5. If no structural alterations are made to a non-conforming building or other structure, the non-conforming use may, upon approval and issuance of an Administrative Conditional Use Permit, be changed to another non-conforming use of the same or more restricted use classification, provided that said new non-

conforming use is no more deleterious to the neighborhood, considering all factors, than was the previous non-conforming use.

6. The existing use of a legal, non-conforming Class B or Class C manufactured home in any zoning district can be upgraded without being subject to a Conditional Use Permit, as required under Section 2.07.040(4), provided that the manufactured housing to be installed meets all of the criteria outlined in Section 8.13.010(2), Class B Manufactured Housing, of these regulations.
7. In the AG-80, AG-40, AG-20, SAG-10, SAG-5, R-2.5, and R-1 use districts, the minimum side yard setback shall be 10 feet on each side for non-conforming properties with lot widths of less than 150 feet. For non-conforming properties with lot widths of less than 50 feet within these use districts, the minimum side yard setback shall be 5 feet on each side.
8. Where an existing building or use is located entirely within the setback area, that building or use may be expanded to the rear of the property away from the setback line.

2.07.050

Reconstruction of Damaged Non-Conforming Buildings.

A non-conforming use or building that is damaged or destroyed by fire, explosion, or unforeseeable natural act (flood, wind storm, lightning strike, etc.) shall be allowed to be rebuilt by a person with an interest in the structure or use, upon the issuance of a Building Permit (where applicable), in such a fashion that the structure or use is no larger and is equally or more in conformance with these regulations than it was prior to the disaster. This provision shall not exempt the structure or use from other applicable regulations nor does it allow the replacement of structures or uses that were willfully demolished, destroyed, or removed. All applicable permits shall be obtained within twelve (12) months of the damage or destruction.

SECTION 2.08

AMENDMENTS TO TEXT OR DISTRICTS (PLANNING BOARD)

2.08.010

The provisions of these regulations may, from time to time, and for the furtherance of public necessity, convenience, and welfare and in recognition that circumstances and conditions may be altered substantially as time passes, be amended, supplemented, changed, modified, or replaced.

2.08.020

Amendments to the Text.

Amendments to the provisions of the text of these regulations:

1. Requests to amend the text of these regulations may be initiated by the local governing body, the Planning Board, or any affected party or entity on a form provided by the Zoning Administrator.
2. The completed application and fee shall be submitted to the Zoning Administrator or his designee. Such fee is non-refundable.
3. The completed application shall be processed as per the adopted administrative procedures.

4. After acceptance by the Zoning Administrator or his designee, the completed application shall be transmitted to the staff of the Planning Board for their review and evaluation. Applications shall be reviewed under the regulations in place on the date a complete application is submitted to the Zoning Administrator.
5. The Zoning Administrator shall set a public hearing date and publish a public notice once in a newspaper of general circulation in the community at least 15 calendar days prior to the meeting of the Planning Board at which the application is to be considered.
6. The Planning Board shall consider the application at its next regular meeting following the public notice process. The Board shall make a recommendation to the Board of County Commissioners to grant, amend, or deny the application.
7. Upon receipt of the recommendation of the Planning Board, the Board of County Commissioners shall hold a public hearing. Notice of this hearing stating the boundaries of the proposed district, the general character of the proposed regulations, the time and place of the hearing and that the proposed zoning regulations are on file for public inspection at the office of the clerk and recorder shall be posted not less than 45 days before the public hearing in at least 5 public places, including but not limited to public buildings and adjacent to public rights of way, within the proposed district and advertised once a week for two weeks in a newspaper of general circulation within the county. Based on the results of the hearing, other public input, the staff report and findings of the Planning Board, the Flathead County Board of Commissioners shall render a decision to grant, amend, or deny the requested amendment.
8. In the event that the Board of County Commissioners approve or amend the requested amendment, a Resolution of Intent shall be passed and a notice of intent to adopt shall be published in a newspaper of general circulation. The publication of the notice shall begin a thirty (30) day comment period on the proposed resolution.
9. Within 30 days after the expiration of the comment period, the Board of County Commissioners may in its discretion adopt the resolution amending the text of these regulations.
10. Should the proposed amendment be adopted by resolution, the Board of County Commissioners shall officially notify the Zoning Administrator of the amendment now in force and he shall incorporate the amendment into the appropriate chapter, section or paragraph of these regulations.
11. In the event that an application to amend these regulations is denied by the Board of County Commissioners or that the application for amendment is withdrawn after the hearing of the Planning Board, the Zoning Administrator shall have the authority to refuse to accept another application for any similar amendment for one (1) year from the date of hearing of the previous application by the Board.

1. An amendment proposing changes to the zoning districts shall follow substantially the same procedures as provided for in Section 2.08.020 with the following additional requirements to be met.
 - A. The applicant shall provide names and addresses of all property owners within 150 feet of the proposed amendment area.
 - B. The application for amendment shall be signed by an owner of record or his authorized agent in the space provided on the application.
 - C. When rezoning a previously zoned tract of land, the staff of the Planning Board shall mail a notice to all property owners included in the proposed amendment area and all property owners adjacent to and within 150 feet of the boundary of the proposed amendment area. (Where the subject property abuts a public right-of-way, the 150-foot measurement shall be in addition to the right-of-way along the abutting sides.) Such notice shall be mailed no less than 15 days prior to the Planning Board hearing date.
 - D. In the event that the Board of County Commissioners approves or amends the requested amendment, a Resolution of Intent shall be passed and a notice of intent to adopt shall be published in a newspaper of general circulation. The publication of the notice shall begin a thirty (30) day comment period on the proposed resolution.
 - E. Within 30 days after the expiration of the comment period, the Board of County Commissioners may in its discretion adopt the resolution creating the zoning district.
2. In the event that the Board of County Commissioners grants the application to amend or re-zone by resolution, they shall notify the Zoning Administrator of their action and he shall be responsible for updating the maps. Said updating shall include the posting on the face of the appropriate map of the date and the number of the resolution amendment of said map.
3. In the event an application to amend (re-zone) is denied by the Board of County Commissioners or that the application is withdrawn after the Planning Board hearing, the Zoning Administrator shall have the authority to refuse to accept another application for any similar amendment within one (1) year from the date of the hearing of the previous application before the Board.

2.08.040

Evaluation of Amendment Requests.

When considering an application for amendment to the provisions of these regulations or the zoning districts, the Planning Board and Board of County Commissioners shall be guided by and adopt findings of fact based upon the following:

1. Whether the zoning regulations are made in accordance with the Growth Policy.
2. Whether the zoning regulations are designed to:
 - A. Secure safety from fire and other dangers;
 - B. Promote public health, public safety, and general welfare, and;

- C. Facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.
- 3. Consideration of:
 - A. The reasonable provision of adequate light and air;
 - B. The effect on motorized and non-motorized transportation systems;
 - C. Compatible urban growth in the vicinity of cities and towns that at a minimum must include the areas around municipalities;
 - D. The character of the district and its peculiar suitability for particular uses;
 - E. Conserving the value of buildings and encouraging the most appropriate use of land throughout the jurisdictional area.
- 4. Whether the zoning regulations are, as nearly as possible, compatible with the zoning ordinances of nearby municipalities.

2.08.050 New Zoning Districts.

The creation of new zoning districts shall be done in accordance with Sections 76-2-201 to 76-2-211, inclusive, M.C.A.

SECTION 2.09 ENFORCEMENT

2.09.010 Penalty for Violation.

Any person or corporation, whether owner, lessee, principal agent, employee, or otherwise, who violates any provisions of these regulations or permits any such violation or fails to comply with any of the requirements thereof, or who erects, constructs, reconstructs, alters, enlarges, converts, moves, or uses any building or uses any land in violation of any detailed statement or plans submitted by him and approved under the provisions of these regulations, may be found guilty of a misdemeanor and upon conviction thereof, shall be punishable by a fine not exceeding five hundred dollars (\$500.00) or imprisonment not to exceed six (6) months or both. Each day of continued violation after notification shall constitute a separate, additional violation.

2.09.020 Use of Available Remedies Authorized.

In the event that any building or structure is erected, reconstructed, altered, converted, or maintained, or any building, structure, or land is used in violation of these regulations, the proper legal authorities of the Board of County Commissioners, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, maintenance, or use, to restrain, correct, or abate such violation, to prevent the occupancy of such building, structure or land, or to prevent an illegal act, conduct, business, or use in or about such building, structure or land.

CHAPTER III - ESTABLISHMENT AND DEFINITION OF DISTRICTS**SECTION 3.01 USE DISTRICTS****3.01.010 Intent**

These zoning regulations are adopted with the purpose and intent of:

1. Implementing and promoting the Flathead County Growth Policy;
2. Lessening congestion in the streets;
3. Securing safety from fire, panic, and other dangers;
4. Promoting health and the general welfare;
5. Providing adequate light and air;
6. Preventing the overcrowding of land;
7. Avoiding undue concentration of population;
8. Facilitating the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements;
9. Giving reasonable consideration to the character of the district;
10. Giving reasonable consideration to the peculiar suitability of the property for particular uses;
11. Conserving the value of buildings;
12. Encouraging the most appropriate use of land; and,
13. Protecting the aesthetic resources of the County.

3.01.020 For the purpose of applying these regulations to the zoned areas of Flathead County, said areas are hereby divided into the following use districts:

District	Title	Minimum Lot Size
AG-80	Agricultural	80 acres
AG-40	Agricultural	40 acres
AG-20	Agricultural	20 acres
SAG-10	Suburban Agricultural	10 acres
SAG-5	Suburban Agricultural	5 acres
R-2.5	Rural Residential	2.5 acres
R-1	Suburban Residential	1 acre
R-2	One-Family Limited Residential	20,000 sq. ft.
R-3	One-Family Residential	10,000 sq. ft.
R-4	Two-Family Residential:	
	Single-family	6,000 sq. ft.
	Duplex	7,500 sq. ft.
R-5	Two-Family Residential	5,400 sq. ft.
RC-1	Residential Cluster	Max. Density
		1 du/acre
	Detached Dwelling Unit	4,500 sq. ft.
	Attached Dwelling Unit	2,500 sq. ft.
RA-1	Residential Apartment	7,500 sq. ft.
RR-1	Low Density Resort Residential	District,
		Min. 1 acre
B-1	Neighborhood Business	7,500 sq. ft.
B-2	General Business	7,500 sq. ft.
B-3	Community Business	District,

B-4	Secondary Business	Min. 10 acres
BR-2	Resort Business	Not applicable
BR-4	Resort Business	District, Min. 20 acres
B-5	Resort Business	District, Min. 10 acres
B-6	Rural Area Commercial	15,000 sq. ft.
BM-1	Big Mountain Resort Residential	Not applicable
	Single-family dwelling	7,500 sq. ft.
	Two family dwelling or larger	2,000 sq. ft. for each dwelling unit
	Condominium	Not applicable
	Non-residential	Not applicable
BM-2	Big Mountain Village	
	Single-family dwelling	7,500 sq. ft.
	Two family dwelling or larger	2,000 sq. ft. for each dwelling unit
	Condominium	Not applicable
	Non-residential	Not applicable
BS	Business Service District	1 acre
CVR	Commercial Village Resort	2,500 sq. ft.
I-1	Light Industrial	7,500 sq. ft.
I-1H	Light Industrial – Highway	1 acre
I-2	Heavy Industrial	7,500 sq. ft.
P	Public	Not applicable
PUD	Planned Unit Development	See Section 3.45
SC	Scenic Corridor	See Section 3.34
AL	Ashley Lake	See Section 3.35
HD	Hubbart Dam	See Section 3.36
LBL	Little Bitterroot Lake	See Section 3.37
LL	Labrant/Lindsey Lane	See Section 3.38
LS	Lakeside	See Section 3.39
NF	North Fork	See Section 3.40
RL	Rogers Lake	See Section 3.41
WV	West Valley	See Section 3.42
EEO	Evergreen Enterprise Overlay	See underlying zone
HO	Highway Overlay	See underlying zone

SECTION 3.02**LOCATION AND BOUNDARIES OF DISTRICTS**

- 3.02.010 The location and boundaries of the various use districts are established in the resolutions by the Board of County Commissioners that adopt the zoning districts. These regulations and the resolutions made to create the zoning districts are to be used in conjunction with each other.
- 3.02.020 Where uncertainty exists as to the boundary of any district that cannot be clarified by examination of the map of the particular zoning district, the exact location of the boundary shall be determined by the legal description of the boundaries adopted with the resolution that created the zoning district.

- 3.02.030 District boundaries shall generally take into consideration property boundaries as platted and not divide a platted lot, parcel, or tract of land into two or more use districts. If, however, a property is divided into two use districts, the property may be utilized in conformance with one zoning designation or the other as long as the use is principally confined to that portion of the property that is zoned for the chosen use.

SECTION 3.03 PERMITTED/CONDITIONAL USES AND DIMENSIONAL REGULATIONS

3.03.010 General Provisions

These zoning regulations shall apply to all private and public lands and structures within the adopted zoning districts in the jurisdiction of Flathead County.

3.03.020 Except as provided for elsewhere in these regulations:

1. A lot may be used and a structure or part of a structure may be constructed, reconstructed, altered, occupied, or used only as permitted by these regulations.
2. No lot dimension, yard, or off-street parking area existing on or after the effective date of these regulations shall be reduced below the minimum requirements contained herein.
3. Except as otherwise specified in these regulations, only one principal use shall be allowed per tract of record in the following zones: R-2, R-3, R-4, R-5, RC-1, RA-1, LBL, HD, RL, AL, LL, NF. Multiple uses may be allowed on single lots upon the issuance of a Conditional Use Permit in the following zones: AG-80, AG-40, AG-20, SAG-10, SAG-5, R-2.5, R-1, BM-1, RR-1, LS, WV. Multiple principal uses are permitted in other zones provided all bulk and dimensional requirement, performance standards, parking, and landscaping requirements are met.
4. A lot or the aggregate of contiguous lots or parcels platted prior to the adoption of these regulations which has an area or dimension that does not meet the requirements of these regulations, may be put to a use permitted in that zone subject to all other requirements of the zone in which it is located.
5. In the event that a parcel is made up of multiple adjacent lots, the property owner should obtain a zoning lot determination from the Zoning Administrator. Such determination would indicate the property lines from which setbacks would be measured for compliance with these zoning regulations. A form requesting such a determination is available from the Zoning Administrator.
6. The following types of structures or structural parts are not subject to the building height limitations of these regulations: chimneys; water tanks; church spires, belfries, and domes; public monuments approved by the State and/or local government; fire and hose towers; transmission towers (subject to issuance of a Conditional Use Permit); radio and television towers, masts, and aerials (subject to issuance of a Conditional Use Permit); cooling towers; and other similar projections.
7. Setback shall be measured from the property line or, where applicable, the edge of the right-of-way, whichever is closer to the proposed or existing building.

8. Public utility maintenance or service stations, fire stations and other public utility or facility stations are exempt from the minimum lot size requirement of the zoning district. A determination from the Zoning Administrator shall be required prior to creating the lots for these uses.
9. For the purpose of applying Section 76-2-209, M.C.A., which addresses the application of zoning regulations for sand and gravel extraction operations and asphalt and concrete batch plants, any zoning district or use district, including those overlaid with a Planned Unit Development, which provides for Single Family Residential Dwellings, Resort, 1 – 4 plex, or similar multi-family or other residential uses as a permitted use, is zoned as residential. In those districts the zoning regulations adopted and provided for herein shall specifically apply to sand and gravel extraction and asphalt or concrete batch plant use, except that AG-40 and AG-80 are not considered residential zones.
10. In R-2.5 (Rural Residential), R-1 (Suburban Residential), R-2 (One Family Limited Residential), R-3 (One Family Residential), R-4 (Two Family Residential), R-5 (Two Family Residential), RC-1 (Residential Cluster), RA-1 (Residential Apartment), and RR-1 (Low Density Resort Residential) zoning or use districts, sand and gravel extraction and asphalt and concrete batch plant uses are prohibited. In other residential districts, as defined herein, sand and gravel extraction and asphalt and concrete batch plant uses shall be conditioned under the provisions of Sections 2.06 and 4.10, provided however, that if the negative impacts (including those listed in Section 2.06.080.1.D) on the surrounding area cannot be reasonably mitigated, all sand and gravel extraction and associated operations, or processing of sand and gravel, or asphalt and/or concrete batch plant uses, may be prohibited.

3.03.030

In the interpretation of Sections 3.04 through 3.44, where a use or class of use is not specifically listed, its status shall, upon request, be determined by the Zoning Administrator, as per Section 2.01.020, by reference to that listed use, if any, which is so like the requested use in purpose, function, character, and effect as to be substantially similar to said listed use.

SECTION 3.04**AG-80 AGRICULTURAL****3.04.010****Definition.**

A district to protect and preserve agricultural land for the performance of a wide range of agricultural functions. It is intended to control the scattered intrusion of uses not compatible with an agricultural environment, including, but not limited to, residential development.

3.04.020**Permitted Uses (AG-80).**

1. Agricultural/horticultural/silvicultural use.
2. Caretaker's facility.
3. Cellular communications tower.
4. Class A and Class B manufactured home (See Chapter VII – Definitions).
5. Cluster housing (See Chapter V – Performance Standards).
6. Dairy products processing, bottling, and distribution.
7. Day care home.
8. Dwelling, single-family.
9. Dwelling unit, accessory (ADU).
10. Feed and seed processing and cleaning.
11. Feed lot: cattle, swine, poultry.
12. Fish hatchery.
13. Guest house.
14. Home occupation (See Chapter V – Performance Standards and Chapter VII – Definitions).
15. Homeowners park and beaches.
16. Kennel.
17. Livestock.
18. Nursery, landscaping materials.
19. Park.
20. Produce stand.
21. Public transportation shelter station.
22. Public utility service installation.
23. Ranch employee housing.
24. Riding academy, rodeo arena.
25. Stable, public and private.

3.04.030**Conditional Uses (AG-80).**

1. Airport.
2. Animal farm (See Chapter VII – Definitions).
3. Animal hospital, veterinary clinic.
4. Bed and breakfast establishment.*
5. Camp/Retreat center (See Chapter IV – Conditional Use Standards and Chapter VII – Definitions).
6. Cemetery, mausoleum, columbarium, crematorium.
7. Church and other place of worship.
8. Communication tower/mast.
9. Community center building operated by a non-profit agency.
10. Contractor's storage yard (See Chapter IV – Conditional Use Standards).*

11. Dwelling, family hardship.*
12. Electrical distribution station.
13. Extractive industry.
14. Landfill, sanitary for disposal of garbage and trash.
15. Radio and television broadcast studio.
16. Recreational facility
17. Rifle range.
18. School, primary and secondary.
19. Short term rental housing. (See Chapter V – Performance Standards)*
20. Temporary building, structure, or use.*
21. Water and sewage treatment plant.
22. Water storage facility.

*Administrative Conditional Use Permit (See Section 2.06.045)

3.04.040

Bulk and Dimensional Requirements (AG-80).

1. Minimum Lot Area: 80 acres
2. Minimum Lot Width:
Cul-de-sacs: 60 feet.
3. Setbacks:
 - A. Minimum Yard Requirements for Principal Structure:

Front:	20 feet.
Side:*	20 feet each.
Side Corner:**	20 feet.
Rear:	20 feet.
 - B. Detached Accessory Structures:

Front:	20 feet.
Side:	5 feet each.
Side Corner:**	20 feet.
Rear:	5 feet.

* For non-conforming properties with lot widths of less than 150 feet, the side yard setback shall be 10 feet each. For non-conforming properties with lot widths of less than 50 feet, the side yard setback shall be 5 feet each.

** For non-conforming properties with lots with average widths of less than 200 feet, the side corner setback shall be 15 feet.
 - C. A 20-foot setback is required from streams, rivers, and unprotected lakes, which do not serve as property boundaries.
 - D. Increase yard requirements as follows when property fronts: **

County Road:*	20 feet.
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* Classified as a collector or major/minor arterial as defined in the County Master Plan or City-County Master Plan.

** If the lot is in a subdivision created under the provisions of clustering in AG or SAG Districts (Section 5.09.030) a

minimum 100 foot setback from the boundary of a highway for all structures is required.

4. Maximum Height: 35 feet.
(Agricultural buildings exempt)
5. Permitted Lot Coverage: 20%.
6. Maximum Fence Height: Not applicable.
7. Off-Street Parking: See Chapter VI-Parking and Loading.

SECTION 3.05**AG-40 AGRICULTURAL****3.05.010****Definition.**

A district to protect and preserve agricultural land for the performance of a wide range of agricultural functions. It is intended to control the scattered intrusion of uses not compatible with an agricultural environment, including, but not limited to, residential development.

3.05.020**Permitted Uses (AG-40)**

1. Agricultural/horticultural/silvicultural use.
2. Caretaker's facility.
3. Cellular communications tower.
4. Class A and Class B manufactured home (See Chapter VII – Definitions).
5. Cluster housing (See Chapter V – Performance Standards).
6. Dairy products processing, bottling, and distribution.
7. Day care home.
8. Dwelling, single-family.
9. Dwelling unit, accessory (ADU).
10. Guest house.
11. Fish hatchery.
12. Home occupation (See Chapter V – Performance Standards and Chapter VII – Definitions).
13. Homeowners park and beaches.
14. Kennel.
15. Livestock
16. Nursery, landscaping materials.
17. Park.
18. Produce stand.
19. Public transportation shelter station.
20. Public utility service installation.
21. Ranch employee housing.
22. Riding academy, rodeo arena.
23. Stable, public and private.

3.05.030**Conditional Uses (AG-40).**

1. Airport.
2. Animal farm (See Chapter VII – Definitions).
3. Animal hospital, veterinary clinic.
4. Bed and breakfast establishment.*
5. Camp/Retreat center (See Chapter IV – Conditional Use Standards and Chapter VII – Definitions).
6. Cemetery, mausoleum, columbarium, crematorium.
7. Church and other place of worship.
8. Communication tower/mast.
9. Community center building operated by a non-profit agency.
10. Contractor's storage yard (See Chapter IV – Conditional Use Standards).*
11. Dwelling, family hardship.*
12. Electrical distribution station.
13. Extractive industry.

14. Feed and seed processing and cleaning.
15. Feed lot: cattle, swine, poultry
16. Landfill, sanitary for disposal of garbage and trash.
17. Radio and television broadcast studio.
18. Recreational facility.
19. Rifle range.
20. School, primary and secondary.
21. Short term rental housing. (See Chapter V – Performance Standards)*
22. Temporary building, structure, or use.*
23. Water and sewage treatment plant.
24. Water storage facility.

*Administrative Conditional Use Permit (See Section 2.06.045)

3.05.040

Bulk and Dimensional Requirements (AG-40).

1. Minimum Lot Area: 40 acres
2. Minimum Lot Width:
Cul-de-sacs: 60 feet.
3. Setbacks:
 - A. Minimum Yard Requirements for Principal Structure:

Front:	20 feet.
Side:*	20 feet each.
Side Corner:**	20 feet.
Rear:	20 feet.
 - B. Detached Accessory Structures:

Front:	20 feet.
Side:	5 feet each.
Side Corner:**	20 feet.
Rear:	5 feet.

* For non-conforming properties with lot widths of less than 150 feet, the side yard setback shall be 10 feet each. For non-conforming properties with lot widths of less than 50 feet, the side yard setback shall be 5 feet each.

** For non-conforming properties with lots with average widths of less than 200 feet, the side corner setback shall be 15 feet.
 - C. A 20-foot setback is required from streams, rivers, and unprotected lakes which do not serve as property boundaries.
 - D. Increase yard requirements as follows when property fronts: **

County Road:*	20 feet.
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* Classified as a collector or major/minor arterial as defined in the County Master Plan or City-County Master Plan.

** If the lot is in a subdivision created under the provisions of clustering in AG or SAG Districts (Section 5.09.030) a

minimum 100 foot setback from the boundary of a highway for all structures is required.

4. Maximum Height: 35 feet.
(Agricultural buildings exempt)
5. Permitted Lot Coverage: 20%.
6. Maximum Fence Height: Not applicable.
7. Off-Street Parking: See Chapter VI-Parking and Loading.

SECTION 3.06**AG-20 AGRICULTURAL****3.06.010****Definition.**

A district to protect and preserve agricultural land for the performance of a wide range of agricultural functions. It is intended to control the scattered intrusion of uses not compatible with an agricultural environment, including, but not limited to, residential development.

3.06.020**Permitted Uses (AG-20)**

1. Agricultural/horticultural/silvicultural use.
2. Caretaker's facility.
3. Cellular communications tower.
4. Class A and Class B manufactured home (See Chapter VII – Definitions).
5. Cluster housing (See Chapter V – Performance Standards).
6. Dairy products processing, bottling, and distribution.
7. Day care home.
8. Dwelling, single-family.
9. Dwelling unit, accessory (ADU).
10. Guest house.
11. Fish hatchery.
12. Home occupation (See Chapter V – Performance Standards and Chapter VII – Definitions).
13. Homeowners park and beaches.
14. Kennel.
15. Livestock
16. Nursery, landscaping materials.
17. Park.
18. Produce stand.
19. Public transportation shelter station.
20. Public utility service installation.
21. Ranch employee housing.
22. Riding academy, rodeo arena.
23. Stable, public and private.

3.06.030**Conditional Uses (AG-20).**

1. Airport.
2. Animal farm (See Chapter VII – Definitions).
3. Animal hospital, veterinary clinic.
4. Bed and breakfast establishment.*
5. Camp/Retreat center (See Chapter IV – Conditional Use Standards and Chapter VII – Definitions).
6. Cemetery, mausoleum, columbarium, crematorium.
7. Church and other place of worship.
8. Communication tower/mast.
9. Community center building operated by a non-profit agency.
10. Contractor's storage yard (See Chapter IV – Conditional Use Standards).*
11. Dwelling, family hardship.*
12. Electrical distribution station.
13. Extractive industry.

14. Feed and seed processing and cleaning.
15. Feed lot: cattle, swine, poultry.
16. Radio and television broadcast studio.
17. Recreational facility.
18. School, primary and secondary.
19. Short term rental housing. (See Chapter V – Performance Standards)*
20. Temporary building, structure, or use.*
21. Water and sewage treatment plant.
22. Water storage facility.

*Administrative Conditional Use Permit (See Section 2.06.045)

3.06.040

Bulk and Dimensional Requirements (AG-20).

1. Minimum Lot Area: 20 acres
2. Minimum Lot Width:
Cul-de-sacs: 60 feet.
3. Setbacks:
 - A. Minimum Yard Requirements for Principal Structure:

Front:	20 feet.
Side:*	20 feet each.
Side Corner:**	20 feet.
Rear:	20 feet.
 - B. Detached Accessory Structures:

Front:	20 feet.
Side:	5 feet each.
Side Corner:**	20 feet.
Rear:	5 feet.

* For non-conforming properties with lot widths of less than 150 feet, the side yard setback shall be 10 feet each. For non-conforming properties with lot widths of less than 50 feet, the side yard setback shall be 5 feet each.

** For non-conforming properties with lots with average widths of less than 200 feet, the side corner setback shall be 15 feet.
 - C. A 20-foot setback is required from streams, rivers, and unprotected lakes which do not serve as property boundaries.
 - D. Increase yard requirements as follows when property fronts: **

County Road:*	20 feet.
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* Classified as a collector or major/minor arterial as defined in the County Master Plan or City-County Master Plan.

** If the lot is in a subdivision created under the provisions of clustering in AG or SAG Districts (Section 5.09.030) a minimum 100 foot setback from the boundary of a highway for all structures is required.

4. Maximum Height: 35 feet.
(Agricultural buildings exempt)
5. Permitted Lot Coverage: 20%.
6. Maximum Fence Height: Not applicable.
7. Off-Street Parking: See Chapter VI-Parking and Loading.

SECTION 3.07 SAG-10 SUBURBAN AGRICULTURAL

3.07.010 Definition.

A district to provide and preserve agricultural functions and to provide a buffer between urban and unlimited agricultural uses, encouraging separation of such uses in areas where potential conflict of uses will be minimized, and to provide areas of estate-type residential development.

3.07.020 Permitted Uses (SAG-10).

1. Agricultural/horticultural/silvicultural use.
2. Caretaker's facility.
3. Cellular communications tower.
4. Class A and Class B manufactured home (See Chapter VII – Definitions).
5. Cluster housing (See Chapter V – Performance Standards).
6. Dairy products processing, bottling, and distribution.
7. Day care home.
8. Dwelling, single-family.
9. Dwelling unit, accessory (ADU).
10. Guest house.
11. Home occupation (See Chapter V – Performance Standards and Chapter VII – Definitions).
12. Homeowners park and beaches.
13. Livestock
14. Nursery, landscaping materials.
15. Park and publicly owned recreational facility.
16. Produce stand.
17. Public transportation shelter station.
18. Public utility service installation.
19. Ranch employee housing.
20. Riding academy, rodeo arena.
21. Stable, public and private.

3.07.030 Conditional Uses (SAG-10).

1. Airfield.
2. Aircraft hangars when in association with properties within or adjoining an airport/landing field.*
3. Animal hospital, veterinary clinic.
4. Bed and breakfast establishment.*
5. Camp/Retreat center (See Chapter IV – Conditional Use Standards and Chapter VII – Definitions).
6. Cemetery, mausoleum, columbarium, crematorium.
7. Church and other place of worship.
8. Community center building operated by a non-profit agency.
9. Community residential facility.**
10. Contractor's storage yard (See Chapter IV – Conditional Use Standards).*
11. Dwelling, family hardship.*
12. Electrical distribution station.
13. Extractive industry.
14. Golf course.

15. Golf driving range.
16. Kennel, commercial (See Chapter IV – Conditional Use Standards).*
17. Manufactured home park.
18. Recreational facility.
19. School, primary and secondary.
20. Short term rental housing. (See Chapter V – Performance Standards) *
21. Temporary building, or use.*
22. Water and sewage treatment plant.
23. Water storage facility.

*Administrative Conditional Use Permit (See Section 2.06.045)

**Administrative Conditional Use Permit, eight or fewer.

3.07.040

Bulk and Dimensional Requirements (SAG-10).

1. Minimum Lot Area: 10 acres
2. Minimum Lot Width: No parcel or lot shall have an average depth greater than three times its average width unless the average lot width is more than 300 feet.
Cul-de-Sacs: 60 feet.
3. Setbacks:
 - A. Minimum Yard Requirements for Principal Structure:

Front:	20 feet.
Side:*	20 feet each.
Side Corner:**	20 feet.
Rear:	20 feet.
 - B. Detached Accessory Structures:

Front:	20 feet.
Side:	5 feet each.
Side Corner:**	20 feet.
Rear:	5 feet.

* For non-conforming properties with lot widths of less than 150 feet, the side yard setback shall be 10 feet each. For non-conforming properties with lot widths of less than 50 feet, the side yard setback shall be 5 feet each.

** For non-conforming properties with lots with average widths of less than 200 feet, the side corner setback shall be 15 feet.
 - C. A 20-foot setback is required from streams, rivers, and unprotected lakes, which do not serve as property boundaries.
 - D. Increase yard requirements as follows when property fronts: **

County Road:*	20 feet.
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* Classified as a collector or major/minor arterial as defined in the County Master Plan or City-County Master Plan.

** If the lot is in a subdivision created under the provisions of clustering in AG or SAG Districts (Section 5.09.030) a

minimum 100 foot setback from the boundary of a highway for all structures is required.

4. Maximum Height: 35 feet.
5. Permitted Lot Coverage: 20%.
6. Maximum Fence Height: Not applicable.
7. Off-Street Parking: See Chapter VI-Parking and Loading.

SECTION 3.08 SAG-5 SUBURBAN AGRICULTURAL**3.08.010 Definition.**

A district to provide and preserve smaller agricultural functions and to provide a buffer between urban and unlimited agricultural uses, encouraging separation of such uses in areas where potential conflict of uses will be minimized, and to provide areas of estate-type residential development.

3.08.020 Permitted Uses (SAG-5).

1. Agricultural/horticultural/silvicultural use.
2. Class A and Class B manufactured home (See Chapter VII – Definitions).
3. Cluster housing (See Chapter V – Performance Standards).
4. Day care home.
5. Dwelling, single-family.
6. Dwelling unit, accessory (ADU).
7. Guest house.
8. Home occupation (See Chapter V- Performance Standards and Chapter VII – Definitions).
9. Homeowners park and beaches.
10. Livestock
11. Nursery, landscaping materials.
12. Park and publicly owned recreational facility.
13. Produce stand.
14. Public transportation shelter station.
15. Public utility service installation.
16. Stable, private.

3.08.030 Conditional Uses (SAG-5).

1. Airfield.
2. Aircraft hangars when in association with properties within or adjoining an airport/landing field.*
3. Animal hospital, veterinary clinic.
4. Bed and breakfast establishment.*
5. Camp/Retreat center (See Chapter IV – Conditional Use Standards and Chapter VII – Definitions).
6. Caretaker's facility.*
7. Cellular communications tower.*
8. Cemetery, mausoleum, columbarium, crematorium.
9. Church and other place of worship.
10. Community center building operated by a non-profit agency.
11. Community residential facility.**
12. Contractor's storage yard (See Chapter IV – Conditional Use Standards).*
13. Dwelling, family hardship.*
14. Electrical distribution station.
15. Extractive industry.
16. Golf course.
17. Golf driving range.
18. Kennel, commercial (See Chapter IV-Conditional Use Standards).
19. Manufactured home park (Subject to Subdivision Regulations).

20. Recreational facility.
21. Recreational vehicle park (Subject to Subdivision Regulations).
22. Riding academy and rodeo arena.
23. School, primary and secondary.
24. Short term rental housing. (See Chapter V – Performance Standards) *
25. Stable, public.
26. Temporary building, structure or use.*
27. Water and sewage treatment plant.
28. Water storage facility.

*Administrative Conditional Use Permit (See Section 2.06.045)

**Administrative Conditional Use Permit, eight or fewer.

3.08.040

Bulk and Dimensional Requirements (SAG-5).

1. Minimum Lot Area: 5 acres.
2. Minimum Lot Width: No parcel or lot shall have an average depth greater than three times its average width unless the average lot width is more than 300 feet.
- Cul-de-Sacs: 60 feet.
3. Setbacks:
 - A. Minimum Yard Requirements for Principal Structure:

Front:	20 feet.
Side:*	20 feet each.
Side Corner:**	20 feet.
Rear:	20 feet.
 - B. Detached Accessory Structures:

Front:	20 feet.
Side:	5 feet each.
Side Corner:**	20 feet.
Rear:	5 feet.

* For non-conforming properties with lot widths of less than 150 feet, the side yard setback shall be 10 feet each. For non-conforming properties with lot widths of less than 50 feet, the side yard setback shall be 5 feet each.

** For non-conforming properties with lots with average widths of less than 200 feet, the side corner setback shall be 15 feet.
 - C. A 20-foot setback is required from streams, rivers and unprotected lakes, which do not serve as property boundaries.
 - D. Increase yard requirements as follows when property fronts: **

County Road:*	20 feet.
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* Classified as a collector or major/minor arterial as defined in the County Master Plan or City-County Master Plan.

** If the lot is in a subdivision created under the provisions of clustering in AG or SAG Districts (Section 5.09.030) a minimum 100 foot setback from the boundary of a highway for all structures is required.

4. Maximum Height: 35 feet.
5. Permitted Lot Coverage: 25%
6. Maximum Fence Height Not applicable.
7. Off-Street Parking: See Chapter VI – Parking and Loading.

SECTION 3.09**R-2.5 RURAL RESIDENTIAL****3.09.010****Definition.**

A district intended for rural, primarily residential areas where larger, estate-type lot sizes are appropriate and agricultural/silvicultural/horticultural operations are a decreasingly viable land use. The use of this district is appropriate in transition areas adjacent to and between higher-density Residential (R) and lower-density Suburban Agriculture (SAG) zones. This district is not appropriate in areas primarily surrounded by lower-density SAG and AG zones and/or areas adjacent to significant ongoing agricultural/silvicultural/horticultural and/or extractive industry operations. Furthermore, public facilities should be appropriately developed to accommodate the density and land uses of this designation. This includes paved roads. It is intended that no uses be permitted in this district that will tend to devalue property for residential purposes or interfere with the health, safety, order or general welfare of persons residing therein.

3.09.020**Permitted Uses (R-2.5)**

1. Agricultural/horticultural/silvicultural use.
2. Class A manufactured home.
3. Day care home.
4. Dwelling, single-family.
5. Dwelling unit, accessory (ADU).
6. Guest house.
7. Home occupation (See Chapter V- Performance Standards and Chapter VII- Definitions).
8. Homeowners park and/or beach.
9. Livestock (See Chapter V- Performance Standards).
10. Nursery, landscaping material.
11. Park and/or publicly owned recreation facility.
12. Produce stand.
13. Public transportation shelter station.
14. Public utility service installation (a minimum of five feet of landscaped area shall surround such building or structure).
15. Stable, private.

3.09.030**Conditional Uses (R-2.5)**

1. Airfield.
2. Aircraft hangar when in association with properties within or adjoining an airport/landing field.*
3. Bed and breakfast establishment.*
4. Camp/Retreat center (See Chapter IV- Conditional Use Standards and Chapter VII- Definitions).
5. Caretaker's facility.*
6. Cellular communications tower (monopole only).
7. Cemetery, mausoleum, columbarium, crematorium.
8. Church.
9. Community center building operated by a non-profit agency.
10. Community residential facility (See Chapter V- Performance Standards and Chapter VII- Definitions).**
11. Dwellings, cluster development (See Chapter IV- Conditional Use Standards).

12. Dwelling, family hardship.*
13. Electrical distribution station.
14. Golf course.
15. Golf driving range.
16. Manufactured home park (Subject to Subdivision Regulations).
17. Radio and television broadcast station.
18. School, primary and secondary.
19. Short term rental housing. (See Chapter V – Performance Standards)*
20. Stable, public.
21. Temporary building, structure, or use.*
22. Water and sewage treatment plant.
23. Water storage facility.

*Administrative Conditional Use Permit (See Section 2.06.045)

** Administrative Conditional Use Permit, 8 or fewer.

3.09.040

Bulk and Dimensional Requirements (R-2.5)

1. Minimum Lot Area: 2.5 acres
2. Minimum Lot Width:

No parcel or lot shall have an average depth greater than three times its average width unless the average lot width is more than 300 feet.

3. Setbacks:

A. Minimum yard requirements for Principal Structure:

Front: 20 feet.
Side:* 20 feet.
Side (Corner lot):* 20 feet.
Rear: 20 feet.

B. Detached Accessory Structure:

Front: 20 feet.
Side: 5 feet.
Side (Corner lot):* 20 feet.
Rear: 5 feet.

*See Section 2.07.040

- C. A 20-foot setback is required from streams, rivers, and unprotected lakes, which do not serve as property boundaries.

- D. Increase yard requirements as follows when property fronts:
Arterial/Collector Road: 20 feet

4. Maximum Height:
Principal Structure: 35 feet.
Accessory Structure: 35 feet when the accessory building meets the principal building setback requirements; 18

feet when the accessory building setback requirements are met.

5. Permitted Lot Coverage: 25%
6. Maximum Fence Height: (Residential Uses)
 - Front: 4 feet
 - Side: 6 feet
 - Rear: 6 feet
7. Off-street parking: See Chapter VI- Parking and Loading.

SECTION 3.10 R-1 SUBURBAN RESIDENTIAL

3.10.010 Definition.

A district to provide estate-type development. These areas would normally be located in rural areas away from concentrated urban development, typically not served by water or sewer services, or in areas where it is desirable to permit only low-density development (e.g., extreme topography, areas adjacent to floodplains, airport runway alignment extensions).

3.10.020 Permitted Uses (R-1).

1. Agricultural/horticultural/silvicultural use.
2. Class A manufactured home.
3. Day care home.
4. Dwelling, single-family.
5. Dwelling unit, accessory (ADU).
6. Guest house.
7. Home occupation (See Chapter V- Performance Standards and Chapter VII – Definitions).
8. Homeowners park and beaches.
9. Livestock (See Chapter V – Performance Standards).
10. Nursery, landscaping material.
11. Park and publicly owned recreational facility.
12. Produce stand.
13. Public transportation shelter station.
14. Public utility service installation. (A minimum of five feet of landscaped area shall surround such building or structure.)
15. Stable, private.

3.10.030 Conditional Uses (R-1).

1. Airfield.
2. Aircraft hangars when in association with properties within or adjoining and airport/landing field.*
3. Bed and breakfast establishment.*
4. Camp/Retreat center (See Chapter IV – Conditional Use Standards and Chapter VII – Definitions).
5. Caretaker's facility.*
6. Cellular communications tower (monopole only).
7. Cemetery, mausoleum, columbarium, crematorium.
8. Church and other place of worship.
9. Community center building operated by a non-profit agency.
10. Community residential facility.**
11. Dwellings, cluster development (See Chapter IV – Conditional Use Standards).
12. Dwelling, family hardship.*
13. Electrical distribution station.
14. Golf course.
15. Golf driving range.
16. Manufactured home park (Subject to Subdivision Regulations).
17. Radio and television broadcast station.
18. School, primary and secondary.

19. Short term rental housing. (See Chapter V – Performance Standards) *
20. Stable, public.
21. Temporary building, or use.*
22. Water and sewage treatment plant.
23. Water storage facility.

*Administrative Conditional Use Permit (See Section 2.06.045)

**Administrative Conditional Use Permit, eight or fewer.

3.10.040

Bulk and Dimensional Requirements (R-1).

1. Minimum Lot Area: 1 acre.
2. Minimum Lot Width: 150 feet.
Cul-de-Sacs: 60 feet.
3. Setbacks:
 - A. Minimum Yard Requirements for Principal Structure:

Front:	20 feet.
Side:*	20 feet each.
Side Corner:	20 feet.
Rear:	20 feet.

* For non-conforming properties with lot widths of less than 150 feet, the side yard setback shall be 10 feet each. For non-conforming properties with lot widths of less than 50 feet, the side yard setback shall be 5 feet each.
 - B. Detached Accessory Structures:

Front:	20 feet.
Side:	5 feet each.
Side Corner:	20 feet.
Rear:	5 feet.
 - C. A 20-foot setback is required from streams, rivers and unprotected lakes, which do not serve as property boundaries.
 - D. Increase yard requirements as follows when property fronts:

County Road:*	20 feet.
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* Classified as a collector or major/minor arterial as defined in the County Master Plan or City-County Master Plan.
4. Maximum Height:

Principal Structure:	35 feet.
Accessory Structure:	35 feet when the accessory building meets the principal building setback requirements; 18 feet when the principal building setback requirements are not met.

5. Permitted Lot Coverage: 40%.
6. Maximum Fence Height (Except as Otherwise Noted):
 - Front: 4 feet.
 - Side: 6 feet.
 - Rear: 6 feet.
7. Off-Street Parking: See Chapter VI – Parking and Loading.

SECTION 3.11 R-2 ONE FAMILY LIMITED RESIDENTIAL

3.11.010 Definition.

A district to provide for large-tract residential development. These areas will typically be found in suburban areas, generally served by either sewer or water lines.

3.11.020 Permitted Uses (R-2).

1. Class A manufactured home.
2. Day care home.
3. Dwelling, single-family.
4. Guest house.
5. Home occupation (See Chapter V – Performance Standards and Chapter VII – Definitions).
6. Homeowners park and beaches.
7. Park and publicly owned recreational facility.
8. Public transportation shelter station.
9. Public utility service installation. (A minimum of five feet of landscaped area shall surround such building or structure.)

3.11.030 Conditional Uses (R-2).

1. Bed and breakfast establishment.
2. Cellular communications tower (monopole only).
3. Cemetery, mausoleum, columbarium, crematorium.
4. Church and other place of worship.
5. Community center building operated by a non-profit agency.
6. Community residential facility.**
7. Dwellings, cluster development (See Chapter IV – Conditional Use Standards).
8. Dwelling, family hardship.*
9. Dwelling unit, accessory (ADU).*
10. Electrical distribution station.
11. Golf course.
12. Golf driving range.
13. Manufactured home park (Subject to Subdivision Regulations).
14. School, primary and secondary.
15. Short term rental housing. (See Chapter V – Performance Standards) *
16. Temporary building, structure, or use.*
17. Water and sewage treatment plant.
18. Water storage facility.

*Administrative Conditional Use Permit (See Section 2.06.045).

**Administrative Conditional Use Permit, eight or fewer.

3.11.040 Bulk and Dimensional Requirements (R-2).

1. Minimum Lot Area: 20,000 square feet.
2. Minimum Lot Width: 100 feet.
Cul-de-sacs: 60 feet.

3. Setbacks:
 - A. Minimum Yard Requirements for Principal Structure:

Front:	20 feet
Side:	10 feet each.
Side Corner:	20 feet.
Rear:	20 feet.
 - B. Detached Accessory Structures:

Front:	20 feet.
Side:	5 feet each.
Side Corner:	20 feet.
Rear:	5 feet.
 - C. A 20-foot setback is required from streams, rivers and unprotected lakes, which do not serve as property boundaries.
 - D. Increase yard requirements as follows when property fronts:

County Road:*	20 feet.
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* Classified as a collector or major/minor arterial as defined in the County Master Plan or City-County Master Plan.
4. Maximum Height:

Principal structure:	35 feet.
Accessory structure:	18 feet.
5. Permitted Lot Coverage: 30%.
6. Maximum Fence Height (Except as Otherwise Noted):

Front:	4 feet.
Side:	6 feet.
Rear:	6 feet.
7. Off-Street Parking: See Chapter VI – Parking and Loading

SECTION 3.12 R-3 ONE FAMILY RESIDENTIAL**3.12.010 Definition.**

A district to provide adequate lot size for urban residential development; should have good thoroughfare access, and be in proximity to community and neighborhood facilities, i.e., schools, parks, shopping areas. This district will normally require all public utilities.

3.12.020 Permitted Uses (R-3).

1. Class A manufactured home.
2. Day care home.
3. Dwelling, single-family.
4. Home occupation (See Chapter V – Performance Standards and Chapter VII – Definitions).
5. Homeowners park and beaches.
6. Park and publicly owned recreational facility.
7. Public transportation shelter station.
8. Public utility service installation. (A minimum of five feet of landscaped area shall surround such building or structure).

3.12.030 Conditional Uses (R-3)

1. Bed and breakfast establishment.
2. Cellular communications tower (monopole only).
3. Church and other place of worship.
4. Community center building operated by a non-profit agency.
5. Community residential facility.**
6. Day care center.
7. Dwellings, cluster development (See Chapter IV – Conditional Use Standards).
8. Dwelling, family hardship*
9. Dwelling unit, accessory (ADU).*
10. Electrical distribution station.
11. Golf course.
12. Golf driving range.
13. Manufactured home park (Subject to Subdivision Regulations).
14. School, primary and secondary.
15. Short term rental housing. (See Chapter V – Performance Standards)*
16. Temporary building, structure, or use.*
17. Water storage facility.

*Administrative Conditional Use Permit (See Section 2.06.045).

**Administrative Conditional Use Permit, eight or fewer.

3.12.040 Bulk and Dimensional Requirements (R-3).

1. Minimum Lot Area: 10,000 square feet.
2. Minimum Lot Width: 70 feet.
Cul-de-sacs: 60 feet.
3. Setbacks:

- A. Minimum Yard Requirements for Principal Structure:
Front: 20 feet
Side: 10 feet each.
Side Corner: 20 feet.
Rear: 20 feet.
 - B. Detached Accessory Structures:
Front: 20 feet.
Side: 5 feet each.
Side Corner: 20 feet.
Rear: 5 feet.
 - C. A 20-foot setback is required from streams, rivers and unprotected lakes, which do not serve as property boundaries.
 - D. Increase yard requirements as follows when property fronts:
County Road:* 20 feet.

* Classified as a collector or major/minor arterial as defined in the County Master Plan or City-County Master Plan.
4. Maximum Height:
Principal structure: 35 feet.
Accessory structure: 18 feet.
5. Permitted Lot Coverage: 30%.
6. Maximum Fence Height (Except as Otherwise Noted):
Front: 4 feet.
Side: 6 feet.
Rear: 6 feet.
7. Off-Street Parking: See Chapter VI – Parking and Loading.

SECTION 3.13 R-4 TWO-FAMILY RESIDENTIAL**3.13.010 Definition.**

A district to provide lot areas for urban residential development. Development within the district will require all public utilities and all community facilities. A duplex is allowed in this district.

3.13.020 Permitted Uses (R-4).

1. Class A and Class B manufactured homes (See Chapter VII – Definitions).
2. Day care home.
3. Dwelling, single-family.
4. Duplex.
5. Home occupation (See Chapter V – Performance Standards and Chapter VII – Definitions).
6. Homeowners park and beaches.
7. Park and publicly owned recreational facility.
8. Public transportation shelter station.
9. Public utility service installation. (A minimum of five feet of landscaped area shall surround such building or structure.)

3.13.030 Conditional Uses (R-4).

1. Beauty Salon and Barbershop.
2. Bed and breakfast establishment.
3. Cellular communications tower (monopole only).
4. Church and other place of worship.
5. Community center building operated by a non-profit agency.
6. Community residential facility.**
7. Day care center.
8. Dwellings, cluster development (See Chapter IV – Conditional Use Standards).
9. Dwelling unit, accessory (ADU).*
10. Electrical distribution station.
11. Golf course.
12. Manufactured home park (Subject to Subdivision Regulations).
13. Mini-storage, RV storage.
14. School, primary and secondary.
15. Short term rental housing. (See Chapter V – Performance Standards) *
16. Temporary building, structure, or use.*
17. Water storage facility.

*Administrative Conditional Use Permit (See Section 2.06.045).

**Administrative Conditional Use Permit, eight or fewer.

3.13.040 Bulk and Dimensional Requirements (R-4).

1. Minimum Lot Area:
6,000 square feet for single-family dwellings.
7,500 square feet for duplexes and all other uses.
2. Minimum Lot Width: 50 feet.

Sub Lot Minimum Width: 25 feet

3. Setbacks:

A. Minimum Yard Requirements for Principal Structure:

Front: 20 feet
Side: 5 feet each.
Side Corner: 20 feet.
Rear: 20 feet.

B. Detached Accessory Structures:

Front: 20 feet.
Side: 5 feet each.
Side Corner: 20 feet.
Rear: 5 feet.

C. A 20-foot setback is required from streams, rivers and unprotected lakes which do not serve as property boundaries.

D. Increase yard requirements as follows when property fronts:

County Road:* 20 feet.

* Classified as a collector or major/minor arterial as defined in the County Master Plan or City-County Master Plan.

4. Maximum Height:

Principal structure: 35 feet.
Accessory structure: 18 feet.

5. Permitted Lot Coverage: 40%.

6. Maximum Fence Height (Except as Otherwise Noted):

Front: 4 feet.
Side: 6 feet.
Rear: 6 feet.

7. Off-Street Parking: See Chapter VI – Parking and Loading.

SECTION 3.14 R-5 TWO-FAMILY RESIDENTIAL**3.14.010 Definition.**

A residential district with minimum lot areas. Development within the district will require all public utilities, and all community facilities. A duplex is allowed in this district.

3.14.020 Permitted Uses (R-5).

1. Class A and Class B manufactured home. (See Chapter VII – Definitions).
2. Day care home.
3. Dwelling, single-family.
4. Duplex.
5. Home occupation (See Chapter V – Performance Standards and Chapter VII - Definitions).
6. Homeowners park and beaches.
7. Park and publicly owned recreational facility.
8. Public transportation shelter station.
9. Public utility service installation. (A minimum of five feet of landscaped area shall surround such building or structure.)

3.14.030 Conditional Uses (R-5).

1. Beauty Salon and Barbershop.
2. Bed and breakfast establishment.
3. Cellular communications tower (monopole only).*
4. Church and other place of worship.
5. Community center building operated by a non-profit agency.
6. Community residential facility.**
7. Day care center.
8. Dwellings, cluster development (See Chapter IV – Conditional Use Standards).
9. Dwelling unit, accessory (ADU).*
10. Electrical distribution station.
11. Golf course.
12. Manufactured home park. (Subject to Subdivision Regulations).
13. Mini-storage, RV storage.
14. Recreational vehicle park/campground (Subject to Subdivision Regulations).
15. School, primary and secondary.
16. Short term rental housing. (See Chapter V – Performance Standards) *
17. Temporary building, structure, or use.*
18. Water storage facility.

*Administrative Conditional Use Permit (See Section 2.06.045).

**Administrative Conditional Use Permit, eight or fewer.

3.14.040 Bulk and Dimensional Requirements (R-5).

1. Minimum Lot Area: 5,400 square feet.
2. Minimum Lot Width: 50 feet.
Sub Lot Minimum Width: 25 feet.
3. Setbacks:

- A. Minimum Yard Requirements for Principal Structure:
Front: 20 feet
Side: 5 feet each.
Side Corner: 20 feet.
Rear: 20 feet.
 - B. Detached Accessory Structures:
Front: 20 feet.
Side: 5 feet each.
Side Corner: 20 feet.
Rear: 5 feet.
 - C. A 20-foot setback is required from streams, rivers and unprotected lakes, which do not serve as property boundaries.
 - D. Increase yard requirements as follows when property fronts:
County Road:* 20 feet.

* Classified as a collector or major/minor arterial as defined in the County Master Plan or City-County Master Plan.
4. Maximum Height:
Principal structure: 35 feet.
Accessory structure: 18 feet.
5. Permitted Lot Coverage: 40%.
6. Maximum Fence Height (Except as Otherwise Noted):
Front: 4 feet.
Side: 6 feet.
Rear: 6 feet.
7. Off-Street Parking: See Chapter VI – Parking and Loading.

SECTION 3.15 RA-1 RESIDENTIAL APARTMENT**3.15.010 Definition.**

A district to provide areas for multi-family use and for non-residential uses, which support or are compatible with the primarily residential character. This district is intended as a buffer between residential districts and other non-residential districts. This district shall be served by community water and sewer and have immediate access to fire, police, refuse, and park facilities.

3.15.020 Permitted Uses (RA-1).

1. Class A manufactured home.
2. Day care home.
3. Dwelling, single-family.
4. Duplex.
5. Home occupation (See Chapter V – Performance Standards and Chapter VII – Definitions).
6. Homeowners park and beaches.
7. Park and publicly owned recreational facility.
8. Public transportation shelter station.
9. Public utility service installation. (A minimum of five feet of landscaped area shall surround such building or structure.)

3.15.030 Conditional Uses (RA-1).

1. Beauty Salon and Barbershop.
2. Bed and breakfast establishment.
3. Cellular communications tower (monopole only).*
4. Church and other place of worship.
5. Clinic, medical and dental.
6. College, business school, trade school, music conservatory, dance school.
7. Community center building operated by non-profit agency.
8. Community residential facility.**
9. Day care center.
10. Dwelling, multi-family.
11. Dwelling unit, accessory (ADU).*
12. Electrical distribution station.
13. Fraternity or sorority house.
14. Golf course.
15. Golf driving range and putting course.
16. Hospital.
17. Lodge, fraternal and social organization provided that any such establishment shall not be conducted primarily for gain.
18. Manufactured home park (Subject to Subdivision Regulations).
19. Mini-storage, RV storage.
20. Mortuary.
21. Pharmacy, operated within a clinic or physician's office and selling only drugs, prescription medicine, medical supplies and appliances, and pharmaceutical products, provided that no more than 50% of the ground floor of the building shall be used for such purpose.
22. Recreational facility, low-impact.

23. School, primary and secondary.
24. Short term rental housing. (See Chapter V – Performance Standards)*
25. Temporary building, structure, or use.*
26. Water storage facility.

*Administrative Conditional Use Permit (See Section 2.06.045).

**Administrative Conditional Use Permit, eight or fewer.

3.15.040

Bulk and Dimensional Requirements (RA-1).

1. Minimum Lot Area:
7,500 square feet.
1,500 square feet additional for each dwelling unit in excess of two.
2. Minimum Lot Width: 50 feet.
Sub Lot Minimum Width: 25 feet
3. Setbacks:
 - A. Minimum Yard Requirements for Principal Structure:
Front: 20 feet
Side: 5 feet each.
15 feet for 3-plex or larger.
Side Corner: 20 feet.
Rear: 20 feet.
 - B. Detached Accessory Structures:
Front: 20 feet.
Side: 5 feet each.
Side Corner: 20 feet.
Rear: 5 feet.
 - C. A 20-foot setback is required from streams, rivers and unprotected lakes, which do not serve as property boundaries.
 - D. Increase yard requirements as follows when property fronts:
County Road:* 20 feet.

* Classified as a collector or major/minor arterial as defined in the County Master Plan or City-County Master Plan.
4. Maximum Height:
Principal structure: 35 feet.
Accessory structure: 15 feet.
5. Permitted Lot Coverage: 35%.
6. Maximum Fence Height (Except as Otherwise Noted):
Front: 4 feet.
Side: 6 feet.
Rear: 6 feet.
7. Off-Street Parking: See Chapter VI – Parking and Loading.

SECTION 3.16 RC-1 RESIDENTIAL CLUSTER

3.16.010 Definition:

A district to provide a residential theme in a rural environment. The district is primarily intended to encourage a master planned community with a central recreational focus. A full range of public services, such as public water supplies and sewage treatment are generally required to serve the district. The gross density for units to be clustered is one (1) unit per acre (i.e., a one acre lot can only have one unit).

3.16.020 Permitted Uses (RC-1)

1. Class A manufactured home.
2. Day care home.
3. Dwellings, cluster (attached or detached when 4 or less du/building).
4. Dwelling, single-family.
5. Guest house.
6. Home occupation (See Chapter V – Performance Standards and Chapter VII - Definitions).
7. Homeowners park and beaches.
8. Park and publicly owned recreational facility.
9. Public transportation shelter station.
10. Public utility service installation.

3.16.030 Conditional Uses (RC-1).

1. Cellular communications tower (monopole only).*
2. Church and other place of worship.
3. Community center building operated by a non-profit agency.
4. Community residential facility. **
5. Dwellings, cluster (attached or detached when greater than 4 du/building).
6. Dwelling, family hardship. *
7. Electrical distribution station.
8. Food or convenience store when less than 3,000 sq. ft.
9. Golf course.
10. Golf driving range.
11. Health club.
12. Manufactured home park (Subject to Subdivision Regulations).
13. Motor coach subdivision.
14. Professional Offices.
15. Restaurants within established resort facilities.
16. School, primary and secondary.
17. Short term rental housing.*
18. Temporary building, structure, or use. *
19. Tourist accommodation units. (See Chapter V – Performance Standards and Chapter VII - Definitions)*
20. Tourist retail facilities as accessory uses of motel, clubhouse, health club, or marina operations.
21. Water and sewage treatment plant.
22. Water storage facility.

*Administrative Conditional Use Permit (See Section 2.06.045).

****Administrative Conditional Use Permit, eight or fewer.**

3.16.040

Bulk and Dimensional Requirements (RC-1).

1. Minimum Lot Area:
Minimum lot size when detached dwelling unit = 4,500 sq. ft.
Minimum lot size when attached dwelling unit = 2,500 sq. ft./unit.
Gross unit density must not exceed one du/acre.
2. Minimum Lot Width: 50 feet.
3. Setbacks:
 - A. Minimum Yard Requirements for Principal Structure:
Front: 20 feet
Side: 5 feet each.
Side Corner: 20 feet.
Rear: 20 feet.
 - B. Detached Accessory Structures:
Front: 20 feet.
Side: 5 feet each.
Side Corner: 20 feet.
Rear: 5 feet.
 - C. A 20-foot setback is required from streams, rivers and unprotected lakes, which do not serve as property boundaries.
 - D. Increase yard requirements as follows when property fronts:
County Road: * 20 feet.

* Classified as a collector or major/minor arterial as defined in the County Master Plan or City-County Master Plan.
4. Maximum Height:
Principal structure: 35 feet.
Accessory structure: 15 feet.
5. Permitted Lot Coverage: 40%.
6. Maximum Fence Height (Except as Otherwise Noted):
Front: 4 feet.
Side: 6 feet.
Rear: 6 feet.
7. Off-Street Parking: See Chapter VI – Parking and Loading.

SECTION 3.17 RR-1 LOW DENSITY RESORT RESIDENTIAL**3.17.010 Definition:**

A district to provide a low density setting for secondary residential resort development in proximity to the more densely developed areas of the County.

3.17.020 Permitted Uses (RR-1):

1. Bed and breakfast establishment.
2. Class A manufactured home.
3. Day care home.
4. Duplex.
5. Dwelling, multi-family (4 or fewer units).
6. Dwelling, single family.
7. Home occupation (See Chapter V – Performance Standards and Chapter VII – Definitions).
8. Park and publicly owned recreational facility.
9. Public utility service installation (a minimum of five feet of landscaped area shall surround each building or structure).
10. Short term rental housing (See Chapter V – Performance Standards).
11. Tourist accommodation units (4 or fewer units).

3.17.030 Conditional Uses (RR-1):

1. Accessory apartments.
2. Boarding house.
3. Boat launching ramp and dock (commercial).
4. Caretaker's facility.*
5. Churches and other place of worship.
6. Community residential facilities, Class I.
7. Convention hall facility.
8. Day care center.
9. Dwellings, cluster development (See Chapter IV – Conditional Use Standards).
10. Dwelling, multi-family (5 or more units).
11. Golf course.
12. Guest house.
13. Health club.
14. Manufactured home park (5 acre minimum size) (Subject to Subdivision Regulations).
15. Marina (commercial).
16. Professional offices.
17. School, primary and secondary.
18. Tourist accommodation units (5 or more units).

* Administrative Conditional Use Permit (See Section 2.06.045)

3.17.040 Bulk and Dimensional Requirements (RR-1):

1. Minimum District Area: 1 acre.
2. Minimum Lot Area: Not Applicable.

3. Minimum Lot Width: Not Applicable.
4. Maximum Density: 10 dwelling units per acre.
5. Setbacks:
 - A. Minimum Yard Requirements for Principal Structures:

Front:	15 feet.
Side:	10 feet each.
Side Corner:	15 feet.
Rear:	20 feet.
 - B. Detached Accessory Structures:

Front:	15 feet.
Side:	6 feet.
Side Corner:	6 feet each.
Rear:	6 feet.
 - C. A 20-foot setback is required from streams, rivers and unprotected lakes, which do not serve as property boundaries.
 - D. Increase yard requirements as follows when property fronts:

MDT Maintained/County collector road:	25 feet.
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6. Maximum Height:

Principal Structures:	35 feet.
Accessory Structures:	24 feet.
7. Permitted Lot Coverage: 35%.
8. Maximum Fence Height:

Front:	4 feet.
Side:	6 feet.
Rear:	6 feet.
7. Off-Street Parking: See Chapter VI-Parking and Loading.

2. Minimum Lot Area: 7,500 square feet.
3. Minimum Lot Width: 75 feet.
4. Setbacks:
 - A. Minimum Yard Requirements:

Front:	20 feet
Side:	5 feet each.
Side Corner:	20 feet.
Rear:	15 feet.
 - B. A 20-foot setback is required from streams, rivers and unprotected lakes, which do not serve as property boundaries.
 - C. Increase yard requirements as follows when property fronts:

County Road:*	10 feet.
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- * Classified as a collector or major/minor arterial as defined in the County Master Plan or City-County Master Plan.
5. Maximum Height: 35 feet.
6. Permitted Lot Coverage: 45%.
7. Maximum Fence Height (Except as Otherwise Noted):

Front:	8 feet.
	(for security purposes only).
Side:	6 feet.
Rear:	6 feet.
8. Off-Street Parking: See Chapter VI – Parking and Loading.

SECTION 3.19**B-2 GENERAL BUSINESS**

3.19.010

Definition.

A business district to provide for those retail sales and service functions and operations that are typically characterized by outdoor display, storage, and/or sale of merchandise, by major repair of motor vehicles, and by outdoor commercial amusement and recreational activities. This district should also serve the general needs of the tourist and traveler.

3.19.020

Permitted Uses (B-2).

1. Accessory apartments.
2. Art foundry.
3. Automobile (new and used) and accessory sales.
4. Automobile service station.
5. Boat sales, new and used.
6. Bus station.
7. Car wash.
8. Cellular communications tower.
9. Church and other place of worship.
10. Commercial caretaker's facility in a detached accessory building in conjunction with a business.
11. Day care center.
12. Dwelling, duplex and multi-family.
13. Dwelling, resort.
14. Farm equipment sales.
15. Financial institution.
16. Food store, supermarket, and delicatessen.
17. Health club.
18. Hotel, motel.
19. Lodge and fraternal and social organization, provided that any such establishment shall not be conducted primarily for gain.
20. Lumber yard, building materials; storage and sales.
21. Manufactured home sales and storage.
22. Microbrewery
23. Micro distillery
24. Nursery, landscaping materials.
25. Offices.
26. Park and publicly owned recreational facility.
27. Public transportation shelter station.
28. Public utility service installation. (A minimum of five feet of landscaped area shall surround such building or structure.)
29. Quasi-public building. (fire station, government office, etc.)
30. Radio and television broadcast station.
31. Recreational facility.
32. Recreational vehicle park (Subject to Subdivision Regulations).
33. Recycling drop-off station.
34. Rental yard.
35. Retail sales and service.
36. Restaurant.
37. Theater, housed in permanent indoor structure.

38. Repair of equipment and consumer items such as appliances, clocks and watches, lawn and garden equipment, computers, televisions, shoes, and furniture in an enclosed facility.

3.19.030

Conditional Uses (B-2).

1. Animal hospital, veterinary clinic.
2. Automobile repair shop.
3. College, business school, trade school, music conservatory, dance school.
4. Commercial recreation area.
5. Convention hall facility.
6. Electrical distribution station.
7. Golf driving range and putting course.
8. Mini-storage, RV storage.
9. Mortuary.
10. Tavern.
11. Temporary building, structure, or use.*
12. Water storage facility.

*Administrative Conditional Use Permit (See Section 2.06.045).

3.19.040

Bulk and Dimensional Requirements (B-2).

1. Minimum Lot Area: 7,500 square feet.
2. Minimum Lot Width: 50 feet.
3. Setbacks:
 - A. Minimum Yard Requirements:

Front:	20 feet
Side:	5 feet each.
Side Corner:	20 feet.
Rear:	15 feet.
 - B. A 20-foot setback is required from streams, rivers and unprotected lakes, which do not serve as property boundaries.
 - C. Increase yard requirements as follows when property fronts:

County Road:*	10 feet.
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* Classified as a collector or major/minor arterial as defined in the County Master Plan or City-County Master Plan.
4. Maximum Height: 35 feet.
5. Permitted Lot Coverage: Not applicable.
6. Maximum Fence Height (Except as Otherwise Noted):

Front:	8 feet.
	(for security purposes only).

Side:	6 feet.
Rear:	6 feet.

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| 7. | Off-Street Parking: | See Chapter VI – Parking and Loading. |
|----|---------------------|---------------------------------------|

SECTION 3.20**B-3 COMMUNITY BUSINESS**

3.20.010

Definition.

A business district to provide areas for the development of congregated community shopping areas, to serve the range of a number of neighborhoods of a major segment of the Planning Area. This district should be a business center and not a strip development.

3.20.020

Permitted Uses (B-3).

1. Accessory apartments.
2. Assembly hall, coliseum, stadium.
3. Automobile parking, commercial enterprise.
4. Automobile service station.
5. Car washing and waxing facility.
6. Caretaker apartment (See Chapter VII – Definitions).
7. Cellular communications tower.
8. Church and other place of worship.
9. Clinic, medical and dental.
10. College, business school, trade school, music conservatory, dance school; provided that no students reside on campus.
11. Day care center.
12. Drug store.
13. Food store, super market, delicatessen.
14. Financial institution.
15. Laundromat.
16. Laundry pick-up station.
17. Library, museum, and art gallery.
18. Lodge, fraternal and social organization, provided that any such establishment shall not be conducted primarily for gain.
19. Micro brewery
20. Micro distillery
21. Museum.
22. Offices, public and private.
23. Park and publicly owned recreational facility.
24. Pharmacy.
25. Public transportation shelter station.
26. Public utility service installation. (A minimum of five feet of landscaped area shall surround such building or structure.)
27. Radio and television broadcast station.
28. Restaurant.
29. Recreational facility.
30. Retail sales and service.
31. Shopping mall.
32. Storage, within the building, of goods intended for retail sales on the premises.
33. Theater, housed in permanent indoor structures.

3.20.030

Conditional Uses (B-3).

1. Bowling alley.
2. Commercial caretaker's facility in a detached accessory building in conjunction with a business.*

3. Commercial recreation area.
4. Convention hall facility.
5. Dwelling, duplex and multi-family.
6. Dwelling, resort. (See Chapter V – Performance Standards and Chapter VIII - Definitions)*
7. Dwellings in mixed-use building.
8. Electrical distribution station.
9. Health club.
10. Hotel, motel.
11. Lumber yard.
12. Marina (See Chapter 8 - Definitions)
13. Quasi-public building, non-profit.
14. Recycling drop-off station.
15. Tavern.
16. Taxidermist.
17. Temporary building, structure, or use.*
18. Water storage facility.

*Administrative Conditional Use Permit (See Section 2.06.045).

3.20.040

Bulk and Dimensional Requirements (B-3).

1. Minimum District Area: 5 acres.
2. Minimum Lot Area: Not applicable.
3. Minimum Lot Width: Not applicable.
4. Setbacks:
 - A. Minimum Yard Requirements:

Front:	20 feet
Side:	5 feet each.
Side Corner:	20 feet.
Rear:	15 feet.
 - B. A 20-foot setback is required from streams, rivers and unprotected lakes which do not serve as property boundaries.
 - C. Increase yard requirements as follows when property fronts:

County Road:*	10 feet.
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* Classified as a collector or major/minor arterial as defined in the County Master Plan or City-County Master Plan.
5. Maximum Height: 35 feet.
6. Permitted Lot Coverage: Not applicable.
7. Maximum Fence Height (Except as Otherwise Noted):

Front:	8 feet.
	(for security purposes only).

Side: 6 feet.
Rear: 6 feet.

8. Off-Street Parking: See Chapter VI – Parking and Loading.

SECTION 3.21**B-4 SECONDARY BUSINESS**

3.21.010

Definition:

A district to provide for those retail sales and services the operations of which are typically characterized by the need for large display or parking areas, large storage areas and by outdoor commercial amusement or recreational activities. This district depends on proximity to highways or arterial streets and may be located in business corridors or islands.

3.21.020

Permitted Uses (B-4):

1. Antique, gift and card retail sales and auction barn.
2. Automobile (new and used) and accessory sales.
3. Automobile repair shop.
4. Automobile service station.
5. Beauty Salon and Barbershop.
6. Bed and breakfast establishment.
7. Boat and RV sales, new and used.
8. Boat and RV repair shop
9. Bowling alley.
10. Bus depot.
11. Churches and other places of worship.
12. Clinic, medical and dental.
13. Commercial caretaker's facility in a detached accessory building in conjunction with a business.
14. Convenience store.
15. Daycare centers (13 or more individuals).
16. Dwelling, single family.
17. Feed, seed and farm supply.
18. Financial institution.
19. Food store, supermarket, and delicatessen.
20. Frozen food lockers, not including slaughtering.
21. Funeral Home and crematorium.
22. Furniture and floor covering store.
23. Heavy equipment sales, rental and service.
24. Hospitals, and associated related nursing homes, retirement homes, congregate housing and personal care facilities in a campus setting.
25. Hotel and motel (including restaurants, lounges or bars integral to the facilities).
26. Household appliance and electronics store.
27. Laundromat or dry cleaner.
28. Lumber yard, building supply.
29. Microbrewery.
30. Micro distillery.
31. Military surplus store.
32. Pack-n-ship.
33. Professional offices.
34. Public building.
35. Recreational facility.
36. Restaurant.
37. Short term rental housing. (See Chapter V – Performance Standards)
38. Small animal veterinarian clinic (no outside activity).
39. Theater.

40. Wholesale trade and warehousing.

3.21.030

Conditional Uses (B-4):

1. Accessory Apartment.
2. Amusement park or zoo.
3. Animal hospital.
4. Any new building greater than 15,000 square feet, existing buildings where an addition would cause the total footprint to be 15,000 square feet or greater, and additions to buildings where the footprint already is 15,000 square feet or greater.
5. Bar, lounge and tavern.
6. College, business school, trade school, music conservatory, dance school.
7. Community residential facility (See Chapter V- Performance Standards and Chapter VII- Definitions).**
8. Light assembly and manufacturing.
9. Manufactured home park (Subject to Subdivision Regulations).
10. Mini-storage, RV storage.
11. Recreational vehicle park (Subject to Subdivision Regulations).
12. Truck stop.

** Administrative Conditional Use Permit, 8 or fewer.

3.21.040

Bulk and Dimensional Requirements (B-4):

1. Minimum Lot Area: Not Applicable.
2. Minimum Lot Width: Not Applicable.
3. Setbacks:
 - A. Minimum Yard Requirements for Structures:

Front:	20 feet.
Side:*	0 feet each.
Side Corner:	20 feet.
Rear:*	0 feet.

* 20 foot setback when abutting a residential district.
 - B. A 20-foot setback is required from streams, rivers and unprotected lakes, which do not serve as property boundaries.
 - C. Increase yard requirements as follows when property fronts:

MDT Maintained/County collector road:	10 feet.
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4. Maximum Height: 35 feet.
5. Permitted Lot Coverage: Not Applicable.
6. Maximum Fence Height:

Front:	4 feet.
Side:	6 feet.
Rear:	6 feet.
7. Off-Street Parking: See Chapter VI- Parking and Loading.

SECTION 3.22**B-5 RESORT BUSINESS**

3.22.010

Definition.

A district to provide high density hotel, motel, multi-family and limited retail and commercial service facilities where such uses are desirable for resort development and where public facilities are available. This district is not intended for the general application but should be limited to tourist destination centers.

3.22.020

Permitted Uses (B-5).

1. Accessory apartments.
2. Accessory use.
3. Alcohol beverage packaged retail sales.
4. Antique, gift and card retail sales.
5. Art gallery.
6. Automobile parking operated in conjunction with permitted use. (See Chapter VI, Parking and Loading)
7. Automobile service station. (See definition)
8. Boat launching ramp.
9. Boiler work.
10. Candy products manufacture, retail on premise.
11. Car washing and waxing, inside a building.
12. Cellular communications tower.
13. Club and other place of entertainment operated as commercial enterprise.
14. Coin operated laundry facility.
15. Commercial recreation area. (See definition)
16. Dairy bar and ice cream manufacture for retail sale on the premise only.
17. Dock and pier for pleasure craft, public and private, no sale of fuel or supply.
18. Drug store.
19. Dry-cleaning and laundry pick-up station.
20. Eating and drinking establishment except drive-ins.
21. Florist, retail.
22. Fuel oil, kerosene for domestic heating purposes in ground containers. (Must comply with applicable fire codes)
23. Commercial and retail facilities in an established hotel/motel complex that meet the following conditions:
 - A. The total floor area devoted to such uses does not exceed twenty percent (20%) of the total floor area of the main building situated on the lot.
 - B. No such use shall have an outside entrance for general use and shall be within the main building. No individual shop shall exceed 500 square feet of floor space.
 - C. No exterior signs.
 - D. The commercial or retail facilities shall be as listed below or of a similar nature:
 - (1) Art gallery.
 - (2) Baked goods shop.
 - (3) Barber and beautician shop.
 - (4) Candy shop.
 - (5) Florist shop.
 - (6) Garment shop.
 - (7) Gift, curio and hobby shop.

- (8) Health club.
- (9) Ice cream shop.
- (10) Laundry and cleaning pickup station.
- (11) Lounge serving alcoholic beverage.
- (12) Non-gambling recreation room.
- (13) Sporting goods shop.
- (14) Travel agency.
- 24. Microbrewery
- 25. Micro distillery
- 26. Motel.
- 27. Museum.
- 28. News stand.
- 29. Park.
- 30. Public transportation shelter station.
- 31. Public utility service installation.
- 32. Restaurant.
- 33. Sporting goods sales.
- 34. Temporary building structure.
- 35. Theater.

3.22.030

Conditional Uses (B-5).

- 1. Amusement park or zoo.
- 2. Boat marina and sale of boating supplies and fuel.
- 3. Community center building, gymnasium, swimming pool, beaches and other similar activities operated by a public agency, neighborhood or homeowners association.
- 4. Convention hall facility.
- 5. Dwelling multi-family, provided that the same shall comply with the floor area, open space, living space, and recreation space ratios of the RA districts.
- 6. Electrical distribution station.
- 7. Golf course driving ranges.
- 8. Heliport.
- 9. Hotel.
- 10. Short-term Rental Housing. (See Chapter V – Performance Standards)*
- 11. Water storage facility.

*Administrative Conditional Use Permit (See Section 2.06.045).

3.22.040

Bulk and Dimensional Requirements (B-5).

- 1. Minimum District Size: Not applicable.
- 2. Minimum Lot Area: 15,000 square feet.
- 3. Minimum Lot Width: 50 feet.
- 4. Setbacks:
 - A. Minimum Yard Requirements:
 - Front: 15 feet.
 - Side: 5 feet.

Side Corner: 15 feet.
Rear: 10 feet.

B. A 20-foot setback is required from streams, rivers and unprotected lakes, which do not serve as property boundaries.

C. Increase yard requirements as follows when property fronts:
County Road:* 20 feet.

* Classified as a collector or major/minor arterial as defined in the County Master Plan or City-County Master Plan.

5. Maximum Height: 35 feet.

6. Permitted Lot Coverage: Not applicable.

7. Maximum Fence Height:
Front: 3 feet.
Side: 6 feet.
Rear: 6 feet.

8. Off-Street Parking: See Chapter VI – Parking and Loading.

SECTION 3.23**B-6 RURAL AREA COMMERCIAL**

3.23.010

Definition.

A district to provide rural neighborhood services and travelers' supplies on a small scale and intended to provide local consumer amenities within short driving range or moderate bicycling distance of a dispersed population.

3.23.020

Permitted Uses (B-6).

1. Accessory apartments.
2. Art gallery.
3. Church and other place of worship
4. Cellular communications tower.
5. Community meeting hall.
6. Convenience store, including retail wine/beer, not to exceed 2,000 square feet gross floor area.
7. Day care center.
8. Delicatessen, including take-out food (not including drive-in services).
9. Gas station (2 service islands max.)
10. Health club.
11. Laundry facility, coin-operated.
12. Museum.
13. Parks and publicly owned recreation facilities.
14. Professional office.
15. Public school.
16. Quasi-public building (fire station, police call station, chamber of commerce facility, etc.)
17. Rural postal delivery boxes.
18. Restaurant w/indoor and outdoor service, but no drive-in/drive-through service. (Beer/wine and liquor sales with food only)

3.23.030

Conditional Uses (B-6).

1. Bed and breakfast establishment.*
2. Car washing and waxing facility.
3. Car service station (1 truck bay maximum).
4. Convenience store, including retail wine/beer, exceeding 2,000 square foot gross floor area.
5. Microbrewery.
6. Micro distillery.
7. Motel (40-unit maximum).
8. RV dump station.

*Administrative Conditional Use Permit (See Section 2.06.045).

3.23.040

Bulk and Dimensional Requirements (B-6).

1. Minimum Lot Area: 30,000 sq. ft.
2. Minimum Lot Width: 100 feet.

3. Setbacks:
 - A. Minimum Yard Requirements:

Front:	20 feet.
Side:	15 feet each.
Side Corner:	40 feet.
Rear:	15 feet.
 - B. A 20-foot setback is required from streams, rivers and unprotected lakes, which do not serve as property boundaries.
4. Maximum Height: 35 feet.
5. Permitted Lot Coverage: 40%.
6. Maximum Fence Height:

Front:	3 feet.
Side:	6 feet.
Rear:	6 feet.
7. Off-Street Parking: See Chapter VI – Parking and Loading.

SECTION 3.24 BS BUSINESS SERVICE DISTRICT

3.24.010

Definition:

A district to provide for nonretail, limited commercial services and light industrial uses. Typical use would be light manufacturing and component assembly, office/warehouse showrooms, contractors, wholesale trades, and other nonretail commercial services of a destination nature. The grouping of uses shall be incorporated in order to develop as an island rather than as a strip.

3.24.015

Acceptance of an application for BSD zoning will be contingent upon a site plan, vicinity map and building concepts for the area requested being submitted for review. The site plan, vicinity map and building concepts will address each of the following:

1. The site plan shall include all buildings, structures, parking, driveways, sidewalks, utilities, drainage, landscaping and signage.
2. The site plan shall demonstrate conformance with the zoning regulations and other applicable county regulations. All projects constructed in accordance with an approved site plan shall be permanently maintained as approved.
3. The vicinity map shall include surrounding parcels, buildings, structures, circulation systems and major physical features.
4. Shared driveway access or frontage roads (whether public or private) are required where possible to provide a cohesive internal circulation pattern and to limit access onto arterials and collectors when development contains multiple commercial uses.

3.24.017

Implementation of Site Plan and Vicinity Map:

1. Once the site plan and vicinity map have been adopted, they shall be considered zoning and shall serve as the guidelines for the development.
2. Prior to any site development, a detailed site plan shall be submitted to the zoning administrator to demonstrate compliance with the approved site plan and vicinity map. Any desired subsequent changes shall be submitted for approval as an amendment to the site plan.
3. Minor deviations to the site plan shall be allowed which do not involve more than ten percent (10%) of the building site for a single building. This would include, but is not limited to, the location and/or expansion of the building, parking lot location, signage, number of parking spaces and landscaping. Minor deviations to the site plan shall be reviewed and approved by the zoning administrator.
4. Substantial modifications to the site plan will be required to be reviewed and approved by the County Commissioners. Substantial changes would include, but not be limited to, an increase in the number of buildings, major changes in access or circulation, an increase in building size by more than ten percent (10%), major changes to signage and major changes to landscaping design and location.

3.24.020

Permitted Uses (BS):

1. Agricultural/horticultural/silvicultural use.
2. Ancillary retail or showrooms, less than fifty (50%) percent of the gross floor area of each individual lease space or tenant
3. Animal hospital, veterinary clinic.
4. Contractors' storage yard and building supply outlet.
5. Dance, drama, and music school.
6. Dwelling, single family.
7. Farm equipment sales.
8. Feed, seed and farm supply, including grain elevators.
9. Home occupation (See Chapter V – Performance Standards and Chapter VII – Definitions).
10. Homeowners park.
11. Light assembly and manufacturing, fabrication, including light food manufacturing and processing, repairing, packing or storage facilities in enclosed buildings, provided that such uses do not produce objectionable impacts beyond the lot lines and do not involve materials that are explosive, hazardous or toxic.
12. Livestock.
13. Nursery, landscaping materials.
14. Parcel delivery service.
15. Park and publicly owned recreational facility.
16. Personal services with incidental retail sales.
17. Print and copy shop.
18. Produce stand.
19. Professional offices.
20. Public utility service installation (A minimum of five feet of landscaped area shall surround such building or structure).
21. Repair of equipment and consumer items such as appliances, clocks and watches, lawn and garden equipment, computers, televisions, shoes, furniture, and small engines, (no outdoor storage permitted).
22. Riding academy, rodeo arena.
23. Small equipment sales, rental and repair conducted indoors, (no outdoor storage permitted).
24. Stable, public and private.
25. Wholesale trade and warehousing, including offices and showrooms.

3.24.030

Conditional Uses (BS):

1. Accessory apartments.
2. Ancillary retail or showrooms, more than fifty (50%) percent of the gross floor area of each individual lease space or tenant.
3. Churches and other place of worship.
4. College, business school, trade school.
5. Commercial caretaker's facility in a detached accessory building in conjunction with a business.*
6. Convention hall facility.
7. Day care center.
8. Kennel.
9. Microbrewery.
10. Micro distillery.
11. Mini-storage.

12. Research laboratory and institution.
13. Short-term Rental Housing. (See Chapter V – Performance Standards)*
14. When not shown on the initial site plan required for zoning or rezoning properties, all new structures with a gross floor area of ten thousand (10,000) square feet or greater, existing structures where an addition causes the total floor area to be ten thousand (10,000) square feet or greater, and additions to structures where the total floor area already is ten thousand (10,000) square feet or greater.

* Administrative Conditional Use Permit (See Section 2.06.045)

3.24.040

Bulk and Dimensional Requirements (BS):

1. Minimum District Area: 1 acre.
2. Minimum Lot Area: 1 acre.
3. Minimum Lot Width: 125 feet.
4. Setbacks:
 - A. Minimum Yard Requirements for Structures:

Front:	30 feet.
Side:	10 feet each.
Side Corner:	30 feet.
Rear:	15 feet.
 - B. When a property abuts the following features, the abutting setback shall be increased to the following:

Agricultural – use or zone:	30 feet.
Residential – use or zone:	30 feet.
Stream – high water mark:	20 feet.
5. Maximum Height:

Principal Structures:	35 feet.
Accessory Structures:	24 feet.
6. Permitted Lot Coverage: 40%.
7. Maximum Fence Height:

Front:	4 feet.
Side:	6 feet.
Rear:	6 feet.
8. Off-Street Parking: See Chapter VI – Parking and Loading.

3.24.050

Additional Design Standards (BS):

1. One commercial use permitted per gross acre. Multiple commercial uses should cluster development to include both shared parking areas and internal road access. Buildings shall be grouped into localized areas and shall not be developed in a linear fashion.

2. Clustering:

- A. Clustering of uses includes incorporation of common shared areas such as courtyards to create central nodes of business/development as opposed to linear development.
- B. Clustering should include shared access, parking, landscaping, with the overall development designed to protect surrounding properties from adverse impacts.
- C. For the purpose of clustering, the site will be developed as one lot. Property setbacks for commercial uses shall not apply except for separation from residential uses. This allows for cohesive development on multiple properties developed in conjunction with an overall development theme or business park plan.

3. Landscaping:

- A. Landscape design shall be in accordance with the concept of a business park. A combination of landscape materials should be arranged in a harmonious manner as an integral part of the project design to enhance building design, public view and interior spaces and provide buffers and transitions, as appropriate.
- B. Landscaping shall comply with Section 5.05 and parking lot landscaping shall comply with Section 6.13.010(2).
- C. Exposed utilities, storage areas, machinery, installations, service and loading areas and similar accessory areas and structures shall be set back to the primary structure requirements or screened to minimize the loss of views, privacy and the general aesthetic value of surroundings.

4. Signage:

A combination of natural materials and colors should be arranged in a harmonious manner that complements the overall design of the site and does not create visual clutter, distractions for passing motorists or the obstruction of important architectural or landscaping features.

SECTION 3.25**BM-1 BIG MOUNTAIN RESORT RESIDENTIAL**

3.25.010

Definition:

The BM-1 district is intended to provide for lower urban densities with little or no commercial activity. Uses within the resort residential will include nightly rentals, timesharing, interval ownerships, vacation clubs, or other multiple ownership residential uses.

3.25.020

Permitted Uses (BM-1):

1. Bed and breakfast establishment.
2. Home occupation (See Chapter V – Performance Standards and Chapter VII - Definitions).
3. Dwelling, single family.
4. Dwelling, duplex.
5. Dwelling, multi-family.
6. Dwelling, resort: including resort and recreational condominiums, townhouses, time sharing and interval ownership residences or vacation units and other multiple ownership arrangement residential uses, allowing overnight accommodations and ancillary uses for the use of occupants and guests. (See Chapter V – Performance Standards and Chapter VIII - Definitions)
7. Public building.
8. Park and publicly owned recreational facility.
9. Recreational facility.
10. Short-term Rental Housing. (See Chapter V – Performance Standards)
11. Ski area and support facilities.

3.25.030

Conditional Uses (BM-1):

1. Bar, lounge and tavern.
2. Churches and other places of worship.
3. Emergency medical clinic.
4. Information/reception center.
5. Lodge and fraternal and social organization, provided that any such establishments shall not be conducted primarily for gain.
6. Microbrewery.
7. Micro distillery.
8. Public utility service installation.
9. Resort area equipment maintenance facilities.
10. Restaurant.
11. School, primary and secondary.

3.25.040

Bulk and Dimensional Requirements (BM-1):

1. Minimum Designation Size: Not Applicable.
2. Minimum Lot Area:

Single-family dwelling:	7,500 square feet.
Two family dwelling or larger:	2,000 square feet for each additional dwelling unit in excessive of one.

- | | | |
|--|------------------|-----------------|
| | Condominium: | Not Applicable. |
| | Non-Residential: | Not Applicable. |
3. Minimum Lot Width: Not Applicable.
4. Setbacks:
- A. Minimum Yard Requirements for Structures:

Front:	20 feet.
Side:	10 feet each.
Side Corner:	10 feet.
Rear:	20 feet.
 - B. Minimum Yard Requirements for Townhouses:

Side:	5 feet each.
Side Corner:	5 feet.
Rear:	15 feet.
 - C. A 20-foot setback is required from streams, rivers and unprotected lakes, which do not serve as property boundaries and a 100-foot undisturbed setback from Second Creek only.
 - D. Increase yard requirements as follows when property fronts:

MDT Maintained/County collector road:	10 feet.
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5. Maximum Height:

One through Fourplex:	28 feet (to eave).
Fiveplex or Greater:	35 feet (to eave).
6. Permitted Lot Coverage: 40%.
7. Off-Street Parking: See Chapter VI-Parking and Loading