

Return to:
Michael Fraser, President
Pheasant Ridge Development Corporation
690 North Meridian, Suite 103
Kalispell, MT. 59901

Re Recorded to add exhibits A & B

DECLARATIONS OF CONDITIONS, COVENANTS AND RESTRICTIONS OF PHEASANT RIDGE, A SUBDIVISION IN FLATHEAD COUNTY

THIS DECLARATION is made this 13th day of September, 2021, by Pheasant Ridge Development Corporation, Inc. hereinafter the Declarant.

RECITALS

1. The Declarant has a filed plat of certain lands in the Southeast quarter of Section 16, Township 28 North, Range 22 West, P.M.M., Flathead County, Montana known as Parcel B of Certificate of Survey No. 17971. The Plat is titled PHEASANT RIDGE. A recorded map or plat is on file in the office of the Flathead County Clerk and Recorder. There are a total of 13 lots shown on the plat, 12 residential lots and one utility site.

2. The Declarant owns all 13 residential lots in said subdivision and is desirous of subjecting said real property to conditions, covenants and restrictions hereinafter set forth, each and all of which are for the benefit of said property and for each owner and contract purchaser thereof, and which shall insure to the benefit of and pass with said property and each and every parcel thereof and shall apply to and bind the successors in interest of any owner or contract purchaser.

The utility site use is limited to a well and storage tank for fire suppression use by the Smith Valley Fire Department. It will be owned in undivided interest by the individual owners of Lots in Pheasant Ridge Estates.

NOW THEREFORE, the Declarant having established a general plan for the improvement and development of said property, does hereby establish the conditions, covenants and restrictions upon which the subject to which all the property and any portion thereof shall be improved or sold and conveyed by them as owner and hereby declare that said property is and shall be held, transferred, sold and conveyed subject to the conditions, covenants and restrictions hereafter set forth which are to run with the land and shall be binding upon all successors in interest of the Declarants.

ARTICLE I - PROPERTY SUBJECT TO COVENANTS

The real property which is and shall be held, transferred, sold and conveyed subject to the covenants, conditions and restrictions hereafter set forth is located in Flathead County, Montana, and is more particularly described as: PHEASANT RIDGE, the map or plat is on file in the office of the Flathead County Clerk and Recorder.

★★ 0012635 SA
★★ 0012635 SA



ARTICLE II - DEFINITIONS

- Section 1: "Lot" shall mean any one of the lots of said PHEASANT RIDGE.
- Section 2: "Member" shall mean and refer to every person or entity who is a record owner of a fee, or undivided fee, interest in any Lot. Record owners who have sold any Lot under a contract for deed shall not be considered owners. Purchasers of any Lot who are purchasing any Lot under a contract for deed shall be considered the owner for all purposes herein.
- Section 3: "Property" shall mean the real property described said Plat of PHEASANT RIDGE.
- Section 4: "Declarants" shall mean and refer to Pheasant Ridge Development Corporation and heirs or assignees.
- Section 5: "Class A" members shall be all members except the Declarant.
- Section 6: The "Class B" member is the Declarant.

ARTICLE III - PROTECTIVE COVENANTS

- Section 1: Purposes of Covenants: The real property described above is subjected to these conditions, covenants and restriction for the purpose of insuring the best use and the most appropriate development and improvement of each Lot created; to protect the owners and contract purchasers of Lots in the subdivision against improper use of surrounding building Lots as well depreciate the value of their property; to preserve so far as is practical, the natural beauty of said property, to guard against the construction of building unsightly or of unsuitable material ; to provide minimum standards for buildings proposed to be constructed on a Lot; to insure the highest and best development of said property; to encourage and secure the construction of attractive buildings and to provide for high quality improvements on said property and thereby to enhance the values of improvements made by owners of Lots.
- Section 2: Land Use: Single family private residents and accessory residential structures are permitted and must comply with standards in Section 3 and 4 below. All residences shall conform to the Certificate of Subdivision Approval. A Lot owner has the option of requesting a rewrite of the Certificate of Subdivision Approval amending conditions for individual Lots.
 - a. No mining, oil drilling, gravel, sand or soil extraction operation of any kind shall be permitted on any lot.
 - b. No manufacturing activity shall at any time be carried on or conducted on any lot or from any residence. Profession services, "home occupations", as defined in the Flathead County Zoning Ordinance or commercial enterprises conducted within residential structures and accessory structures are permitted. No traffic shall be generated by such activities in greater volume than would normally be expected in a residential neighborhood. The Declarant shall be allowed to carry out sales activity necessary to promote the development of Pheasant Ridge Estates.
 - c. No equipment or process shall be used which creates visual or audible interference with any radio, television, or telephone receivers off the premises or which causes fluctuation in electrical voltage of any premises.
 - d. No agricultural use of the land shall be permitted. A kitchen garden for personal consumption is not agricultural. Any agricultural use shall be in violation of these covenants, conditions and restrictions. Agricultural products and crops may not be grown and farm animals such as



livestock and fowl may not be kept and raised (as further described in Section 7, below).

Section 3: Building Site: No lot shall have more than one principal dwelling, and one accessory structure, as defined in the Flathead County Zoning Ordinance.

- a. Setback Lines: All Buildings shall be set back a minimum of 30 feet from the front and rear lot line and 20 feet minimum from a side lot line.
- b. Each Lot with a residence is limited to a maximum of three enclosed vehicle parking/storage spaces.

Section 4: Building Standards: The following construction standards shall apply to all buildings placed on Lots:

- a. All principal dwellings shall have a ground floor living area of not less than 1400 square feet. For the purposes of this paragraph, porches, balconies and garages shall not be considered part of the living area. Two story homes shall have a main level living area of not less than 1200 square feet.
- b. All buildings shall be permanent in nature. Only new materials may be used, except used brick, or other building materials, for architectural effect are allowed.

-No building on any lot shall have a roof which is metallic colored, shiny or reflective. No metal siding shall be allowed on any building.

-No vinyl siding shall be allowed on any building.

-All accessory buildings on a Lot shall be constructed in keeping with the architecture of the principal dwelling, the terrain and environment of the premises so as not to be unsightly.

- Residences architectural perspective facing Pheasant Ridge Drive shall have multiple corners with offset walls.

- All residences shall be painted with earth tone colors.

- Wall facing Pheasant Ridge Drive shall have not less than 15% of the wall area finished as stone or brick.

- c. Dwellings must be built on site. Mobile homes, Manufactured homes and Modular homes are not permitted.

-All dwellings must be built on a permanent perimeter foundation constructed of concrete or masonry block to meet applicable Montana Building Codes adopted by the State of Montana.

- d. No portion of a building shall exceed 35 feet in height measured from the ground grade of the lot at the point of maximum height of the residence.
- e. All construction once begun shall be completed as to exterior finish including siding and/or masonry, paint and roof, ground rough graded and building debris shall be removed within one (1) year after start of construction.



- f. During construction of the residence and for not longer than one year temporary housing, such as recreation vehicles or camp trailers are allowed.
- g. If any structure is damaged in any way, the owner shall with due diligence raze the remains and restore the site or rebuild, repair and restore structure to its appearance and conditions prior to the casualty. Reconstruction shall be completed within twelve (12) months of the casualty.
- h. Each lot owner shall be responsible for creating and maintaining a wild fire "defensible space" around each primary structure.
- i. Satellite or communication dishes larger than one and one half feet in diameter are not allowed. No shortwave radio towers or similar structures are permitted.
- j. All new utilities shall be installed underground. Propane tanks shall be buried. No above ground fuel tanks are allowed. Underground utilities are electricity, Flathead Electric, natural gas, Northwest Energy and telecommunications, Montanasky, internet and television.
- k. Each lot owner shall be responsible for construction of their own private driveway from PHEASANT RIDGE DRIVE. Driveways shall be surfaced with asphalt pavement. It shall be the lot owners' responsibility to install a minimum 8-inch culvert at the point where the driveway joins PHEASANT RIDGE DRIVE. Culverts shall be finished with tapered end sections.
- l. Each residence shall have addresses placed on the residence facing Pheasant Ridge Drive with a height of not less the 4 ½" and be clearly visible from the street.
- m. Lots 1 thru 4 are limited to tree removal to improve views. Tree removal shall be limited to improve views. Tree removal within the "No Build Zone" identified on the Plat shall be limited to dead or diseased trees.
- n. Irrigated lawn area is limited to not more than 10,570 square feet, inclusive of garden areas for all lots.
- o. Each lot must maintain not less than 10,000 square feet of native grass or lawn area for storm water infiltration.

Section 5: Seeding, Planting and Weed Control: To foster and protect aesthetics of the subdivision, the control of invasive or noxious weeds shall be a first order responsibility of every lot owner. Whenever a structure is constructed on any lot, or for other reason the vegetative cover is disturbed, the owner of said lot shall within a reasonable time, six months or less, thereafter, seed, or plant a lawn or ground cover in accordance with the requirements of the Flathead County Weed Department. All undisturbed areas shall have at least one herbicidal application per year or be mowed at least once per year, until the planted materials have become established.

Section 6: Signs: No signs shall be placed on any lot except name plates, signs identifying or numbering buildings, and one unlighted sign not to exceed (10) square feet in surface area advertising the sale or lease of a lot. No signs are permitted outside the lot boundaries.



Section 7: Pets and Livestock: All domestic pets, birds and pets kept on any parcel shall not create or cause a violation of any other covenants contained herein such as an annoyance, nuisance or disturbance to the neighborhood or to the residents of any other lots and shall be confined to the owner's property in an enclosure which is not unsightly and which has been constructed in conformity to the provisions hereof relating to fences.

- Livestock such as horses, cows, pigs, goats or other similar animals are prohibited.

Section 8: Recreational Vehicles: No trucks, exceeding one-ton capacity, tractor-trailers, or inoperable vehicles or parts thereof shall at any time be allowed to remain upon or park on any road or lot within the subdivision except those vehicles or equipment that are stored within the confines of a lot owner 's garage or accessory structures. The parking of personal camping trailers, pickup campers, or boats outdoors is permitted. No construction equipment shall be parked or stored on a Lot except during the residences construction.

Section 9: Lot Appearance and Garbage: No part of any lot shall be used as a dumping ground or used to stove or place rubbish, trash, garbage, inoperable or unlicensed vehicles or other unsightly object. Each lot owner shall avoid accumulation of such refuse or other material by these covenants. All garbage shall be screened from view except on collection days. Owners are encouraged to hire a contract hauler.

Section 10: Water System: All potable water shall be obtained from individual wells located within the boundary of each lot. Costs of drilling, installation and maintenance are solely those of the individual owner. All water systems must comply with the rules and regulations of the Flathead City-County Health Department and the Montana Department of Environmental Quality. The water well for each lot shall be drilled in the location shown on the approved Certificate of Subdivision Approval (COSA), attached hereto as Exhibit A.

- a. Water use shall be limited to irrigation of 10,750 square feet of lawn area. See attached letter from DNRC as Exhibit B.
- b. A water meter shall be installed to monitor water use. The meter read out information shall be provide as requested by DNRC or the Home Owners Association.

Section 11: Sewer System: Individual sewage disposal systems shall be installed to the requirements of the Flathead City-County Health Department and the Montana Department of Environmental Quality. Each lot owner is responsible to secure a septic permit from the Flathead City-County Health Department. Each lots sewer system shall be constructed in the location shown on the COSA. All septic systems shall meet the minimum requirements of the attached COSA. Each land owner with a level II system shall contract for maintenance as required by the COSA and Flathead County Sanitation Regulations.

Section 12: Nuisances: No noxious or offensive activity shall be carried on or permitted upon any of the lots, nor shall anything be done thereon which may become an annoyance or nuisance to the neighborhood, nor shall a lot be used in any way or fan any purpose which may endanger the health or safety of or unreasonably disturb the residents of any lot or neighbor. By way of illustration, driving of loud vehicles or racing of motorcycles shall constitute a nuisance within the meaning hereof.

Section 13: Burning: Open fires are to be made only in accordance with local burning ordinances.

Section 14: Fences: No boundary fence shall exceed four (4) feet in height. It shall be the responsibility of the lot owner to keep all fencing in good repair and to keep the fencing from becoming



unsightly. All fences shall be chain link with green mesh, posts and post caps. Fencing shall limited to the developed lot area. Developed lot area shall be lawn, house and accessory structures.

Section 15. Privacy Fences: Each lot may fence a portion of the lot with a solid fence not greater than six (6) feet in height. The fence maybe be cedar or other natural wood coated with transparent or semi-transparent stain. Vinyl materials are not allowed. Privacy fences shall be not be placed between the residence and Pheasant Ridge Drive, or in the side yard setbacks and shall be connected to the residence.

ARTICLE IV- ROAD MAINTENANCE

All lot owners shall share the costs of road maintenance based on a 1/12 share of the total costs. Road maintenance shall include but not be limited to weeds spraying in the easement, snow removal, sealing, patching or overlay.

- A road Maintenance Fund shall be established and funded from yearly assessments. Costs of maintenance shall be paid from the fund.

ARTICLE IV - AMENDMENTS

This declaration may be amended from time to time by recording an instrument in writing, signed by owners of at least 60% of the lots, seven lot owners. The Declarant shall have two votes for each lot owned for the purposes of Amendments to this document.

Amendments to be effective must be recorded in the office of the Flathead County Clerk and Recorder.

ARTICLE V - ENFORCEMENT

Section 1: Who May Enforce Covenants: The Declarant or any lot owner shall have the right to enforce by any proceeding at law or in equity all restrictions, conditions, covenants and amendments now or hereinafter imposed pursuant to the provisions of this Declaration. The failure of the Declarant or any owner to enforce any covenant or restriction herein contained shall not be deemed to be a waiver of the right to do so thereafter. The Declarant shall not have the duty to take any affirmative action to enforce any restrictive covenants nor shall it be subject to any liability for its failure to act.

Section 2: Attorneys' Fees and Costs: If any person or entity in Section 1 above commences legal proceedings in court to enforce any provisions of these covenants, the prevailing party in such action shall be entitled to recover from the other party reasonable attorney fees and costs of said action.

Section 3: Severability: Invalidation of any one of these covenants or restrictions by judgment or court order shall in no way effect the remaining provisions which shall remain in force and effect.

Section 4: Construction and Binding Effect: There covenants shall be construed pursuant to the laws of the State of Montana and shall be binding upon the heirs, successors and assigns of the parties hereto and time is of the essence in complying with these covenants.

Section 5: Term: These covenants are to run with the land and shall be binding on all parties and all persons claiming them for a period of (15) years from the date these covenants are recorded, after which time, said covenants shall be automatically extended for successive periods of ten year's, unless an instrument signed by 60% majority of the owners of the Lots has been recorded, agreeing to change said covenants in whole or in part.



IN WITNESS THEREOF to the Declaration, the undersigned hereunto set their hand this date first above written.

President – Michael W. Fraser
Pheasant Ridge Development Corporation, Inc.

Secretary- Frank Strickland
Pheasant Ridge Development Corporation, Inc.

NOTARY

STATE OF MONTANA

County of Flathead

On this 13th day of SEPTEMBER, 2021, before me the undersigned a Notary Public for the State of Montana, personally appeared Michael W. Fraser, President and Frank Strickland, Secretary of Pheasant ridge development Corporation, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

In WITNESS WHEREOF, I have hereunto set my hand and affixed Notary Seal the day and year first above written.

Notary Public for the State of Montana

Residing at _____

Commission Expires _____

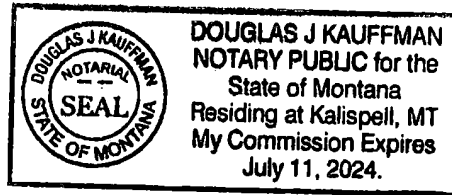


EXHIBIT A CERTIFICATE OF SUBDIVISION APPROVAL



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Page: 8 of 25
Fees: \$200.00
9/14/2021 11:14 AM

STATE OF MONTANA
DEPARTMENT OF ENVIRONMENTAL QUALITY
CERTIFICATE OF SUBDIVISION PLAT APPROVAL
(Section 76-4-101 et seq.)

TO: County Clerk and Recorder
Flathead County
Kalispell, Montana

E.Q. #20-1951

THIS IS TO CERTIFY THAT the plans and supplemental information relating to the subdivision known as Pheasant Ridge Subdivision

Parcel B of Certificate of Survey 17971 located in the Southeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 16 of Township 28 North, Range 22 West, P.M.M., Flathead County, Montana as found in the records of the Flathead County Clerk & Recorder, consisting of 30.00 acres,

consisting of thirteen (13) lots, twelve (12) of which have been reviewed by personnel of the Water Quality Division, and,

THAT Utility Lot was not reviewed pursuant to MCA 76-4-125(1)(a) as the division is created for rights-of-way or utility sites, and,

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

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

THAT the lot sizes as indicated on the Plat to be filed with the county clerk and recorder will not be further altered without approval, and,

THAT each lot shall be used for one living unit, and,

THAT individual water system on each lot will consist of a well drilled to a minimum depth of 25 feet constructed in accordance with the criteria established in Title 17, Chapter 36, Sub-Chapters 1, 3, and 6 ARM and the most current standards of the Department of Environmental Quality, and,

THAT data provided indicates an acceptable water source at a depth of approximately 200 feet, and,

THAT due to water rights, irrigation on each lot is restricted to 5 months per year, May thru September, and,

THAT the individual sewage treatment system on Lots 8-10 will consist of a septic tank, effluent filter, dose tank, and subsurface pressure-dosed drainfield of such size and description as will comply with Title 17, Chapter 36, Sub-Chapters 1, 3, and 6 ARM and the most current standards of the Department of Environmental Quality, and,

THAT the individual wastewater treatment systems on Lots 1-7 and Lots 11-12 shall consist of a septic tank, effluent filter, Department Approved Level II recirculating trickling filter treatment system, dosing tank and subsurface pressure-dosed drainfield in accordance with the approved plans, and of such size and description as will comply with Title 17, Chapter 36, Sub-Chapters 1, 3, and 6 ARM, and,

THAT the conditions of approval for the recirculating trickling filter systems for Level II treatment require an Operation & Maintenance (O&M) contract, in accordance with ARM 17.30.718(8) and the service-



Page 2 of 4
Pheasant Ridge Subdivision
Flathead County, Montana
E.Q. # 20-1951

related obligations listed in DEQ-4, Appendix D, in perpetuity, with an authorized Dealer/Representative, and,

THAT the O&M contract shall include a bi-annual on-site inspection of all major components of the wastewater treatment system for the first two (2) years after use of the system begins, and annually thereafter, in accordance with ARM 17.30.718(8)(a), and,

THAT annual sampling in accordance with ARM 17.30.718(8)(b) is required for the life of the system and shall be for the following parameters: nitrate; nitrite, ammonia, TKN, BOD, TSS, fecal coliform, specific conductance and temperature. Effluent sampling shall be conducted after all treatment is complete but before discharge into the absorption system. All water analysis shall be conducted according to the EPA approved method by an independent laboratory, except for temperature which shall be measured on-site. The monitoring results must be maintained by the service provider and made available to the Department by the service provider at any time that the Department requests the results, and,

THAT the subsurface pressure-dose drainfield on Lots 1-6 and Lots 8-12 shall have an absorption area of sufficient size to provide for an application rate of 0.4 gpd/square foot and,

THAT the subsurface pressure-dose drainfield on Lot 7 shall have an absorption area of sufficient size to provide for an application rate of 0.3 gpd/square foot and,

THAT the primary drainfields on Lots 1-7 and Lots 11-12 are allowed a 50% reduction in total required absorption area due to the use of a recirculating trickling filter, and,

THAT a full-sized replacement area for the drainfields shall be provided on each lot, and,

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

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

THAT storm drainage facilities shall be constructed as shown on the lot layout and drainage plans, signed and stamped by Bryan Long, Montana Professional Engineer Number 14132 PE, and approved under EQ #20-2471, and,

THAT the stormwater design requires the installation of a minimum of 10,000 square feet (0.93 acre) of lawn and landscaped area around the structure on each lot to absorb a portion the additional run-off from the living unit, and,

THAT the operation and maintenance of water supply, sewage treatment system, and individual stormwater facilities shall be the responsibility of each lot owner, and,

THAT the operation and maintenance of stormwater facilities consisting of roadside ditches, culverts and the retention facility between Lot 7 and 8 shall be the responsibility of the subdivision's home owners association, and,

THAT water supply systems, sewage treatment systems and storm drainage systems will be located as shown on the approved plans, and,

THAT the developer and/or owner of record shall provide «TheEach» purchaser of property with a copy of the Plat, approved location of water supply, sewage treatment system and storm drainage structures as shown on the attached lot layout, and a copy of this document, and,

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

THAT plans and specifications for any proposed sewage treatment systems will be reviewed and approved by the county health department and will comply with local regulations and ARM, Title 17, Chapter 36, Subchapters 3 and 9, before construction is started.

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

Pursuant to Section 76-4-122 (2)(a), MCA, a person must obtain the approval of both the State under Title 76, Chapter 4, MCA, and local board of health under section 50-2-116(1)(i), before filing a subdivision plat with the county clerk and recorder.

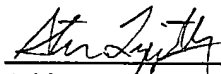
YOU ARE REQUESTED to record this certificate by attaching it to the Plat filed in your office as required by law.

DATED this 10th of September 2020.

Shaun McGrath,
DIRECTOR

By:

FoP:



Ashley Kroon, Supervisor
Public Water & Subdivision Section
Engineering Bureau
Water Quality Division
Department of Environmental Quality

Owner's Name: Michael W. Fraser
Strickland Family Trust



Flathead City-County Health Department

1035 First Ave. West Kalispell, MT 59901
(406) 751-8101 FAX 751-8102
www.flatheadhealth.org

Community Health Services
751-8110 FAX 751-8111
Environmental Health Services
751-8130 FAX 751-8131
Family Planning Services
751-8150 FAX 751-8151
Home Health Services
751-6800 FAX 751-6807
WIC Services
751-8170 FAX 751-8171
Animal Shelter
752-1310 FAX 752-1546

May 3, 2021

Long Engineering
Attn: Bryan K. Long
2458 Hwy 93 South, #100
Kalispell MT 59901


SUBJECT: Modified Lot Layout – Pheasant Ridge Estates, EQ# 20-1951, Section 16, T28N, R22W, P.M.,M., Flathead County, Montana, owners: Fraser, Strickland

Dear Bryan,

Your request to adjust the previously approved drainfield sites for Lots 1 and 10 and the well site for Lot 1 has been received and is approved. A newly approved lot layout was forwarded to Montana Department of Environmental Quality to attach to the original Certificate of Subdivision Approval. A copy will be retained for our files and a copy must be filed with the Flathead County Clerk and Recorder. It is the property owners' responsibility to file these documents.

If you have further questions, please call (406)751-8130 if you have questions.

Professionally,


Wendee Jacobs, RS
Flathead County Sanitarian



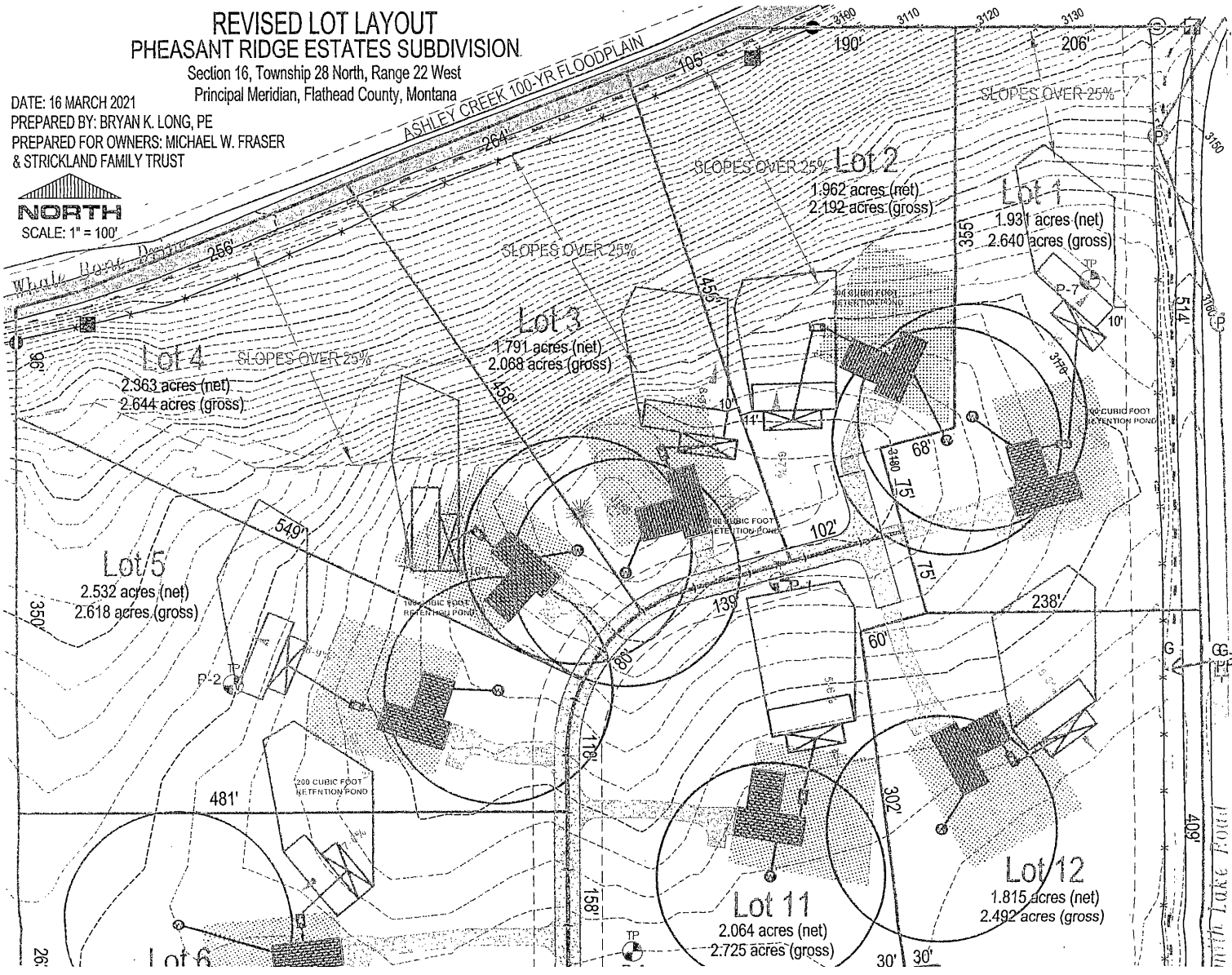
REVISED LOT LAYOUT PHEASANT RIDGE ESTATES SUBDIVISION

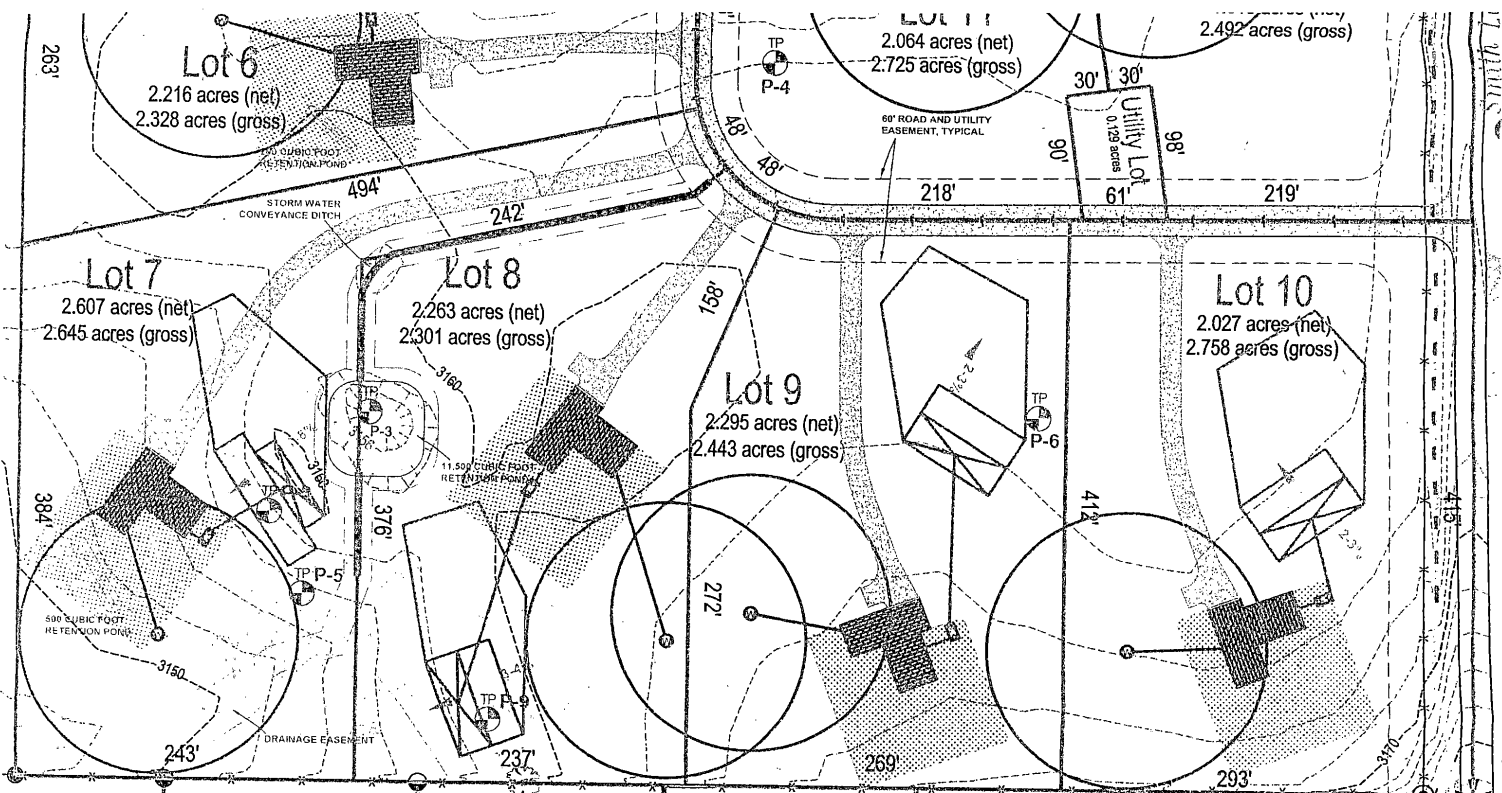
Section 16, Township 28 North, Range 22 West
Principal Meridian, Flathead County, Montana

DATE: 16 MARCH 2021
PREPARED BY: BRYAN K. LONG, PE
PREPARED FOR OWNERS: MICHAEL W. FRASER
& STRICKLAND FAMILY TRUST



20210903105
Page: 12 of 20
Fees: \$200.00
9/14/2021 11:14 AM





PRE-1993 ADJACENT DRAINFIELDS WITHIN 100-FT NOT SUBJECT TO NONDES. NO DRAINFIELDS WITHIN 100-FT OF THE NORTH, WEST OR EAST BOUNDARIES OF SUBDIVISION. NO WELLS ARE INDICATED WITHIN 100-FT OF THE SUBDIVISION BOUNDARY.

Reviewed by the Local Reviewing Authority
 Under contract with the
 Department of Environmental Quality
Wendy Jacobs 5/3/21
 Local Reviewer Date

Accepted under contract:

Debra Campbell 5-7-21
 DEQ Representative Date

LEGEND

- PROPOSED WELL WITH 100-FT ISOLATION ZONE AND WATER LINE
- PROPOSED SEPTIC TANK AND SEWER LINES
- PROPOSED 3-BEDROOM HOUSE AND 10,000 SQ. FT. LANDSCAPING
- PROPOSED 100-FT MIXING ZONE BOUNDARY
- SOIL PROFILE TEST PIT
- PROPOSED STORM DRAINAGE RETENTION POND, SIZE NOTED
- PROPOSED STORM DRAINAGE CONVEYANCE DITCH
- PROPOSED PAVED PRIMARY ACCESS ROAD AND DRIVEWAY
- EXISTING AND PROPOSED PROPERTY BOUNDARIES
- ADJACENT PROPERTY BOUNDARY
- 2-FOOT CONTOUR
- 10-FOOT CONTOUR

RECEIVED
 MAY 24 2021
 Flathead City-County
 Health Department



202100033108
Page: 14 of 25
Fees: \$200.00
9/14/2021 11:14 AM

September 10, 2020

Bryan Long, PE
105 Stage Bend Lane
Columbia Falls, MT 59912

RE: Pheasant Ridge Estates
Stormwater Design
Flathead County
EQ #20-2471
EQ #20-1951 (Subdivision)

Dear Mr. Long:

The storm drainage design and lot layout for the subject submittal were received by the Department on March 20th, 2020. Additional information, and final design plans were received by the Department on September 4th, 2020. The stormwater plans were submitted under the seal of Bryan K. Long, PE #14132. The subject project was reviewed in accordance with Circular DEQ-8, 2017 Edition. **The proposed stormwater design to serve the Pheasant Ridge Estates Subdivision is hereby approved.**

The project is in Flathead County, south of Whalebone Drive and east of Smith Lake Road, approximately 0.3 miles south of US Highway 2 West approximately 3 miles west of Kalispell, MT. The project generally consists of roadside ditches, culverts and swales to convey stormwater runoff to an 11,500-cubic foot retention facility located between Lot 7 and Lot 8. The project also proposes multiple retention facilities on Lot 1 through Lot 7 as shown on the approved plans and lot layout. The stormwater facilities will serve seven commercial lots within the Pheasant Ridge Estates Subdivision reviewed as a subdivision under EQ #20-1951.

THAT the stormwater design also requires the installation of a minimum of 10,000 square feet (0.93 acre) of lawn and landscaped area around the structures on each lot within the subdivision to absorb a portion of the additional run-off from impervious area proposed on the lots.

The project may not be placed into service until the project engineer or designer certifies by letter to the Department that the activated portion of the project was constructed in substantial accordance with the plans approved by the Department and there are no deviations from the design standards other than those previously approved by the department. Within 90 days after the completion of construction, a complete set of certified "as-built" drawings must be signed and submitted to the Department.

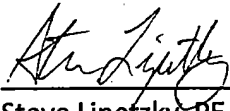
RE: Pheasant Ridge Estates
Stormwater
Flathead County
EQ # 20-2471

Construction of this project must be completed within three years of the approval date. If more than three years elapse before completing construction, plans and specifications must be resubmitted and approved before construction begins.

Additionally, if construction disturbance exceeds 1-acre, a construction stormwater permit will be required. Information can be obtained by contacting the Water Protection Bureau at 444-5310.

Thank you for your efforts to meet our requirements. If you have any questions on the above, please feel free to call me at the Water Quality Division at 444-5368 or email me at Steven.Lipetzky@mt.gov.

Sincerely,



Steve Lipetzky, PE
Environmental Engineer
Subdivision Section
Engineering Bureau

cc: file (EQ #20-1951)
Flathead County Sanitarian
Owner

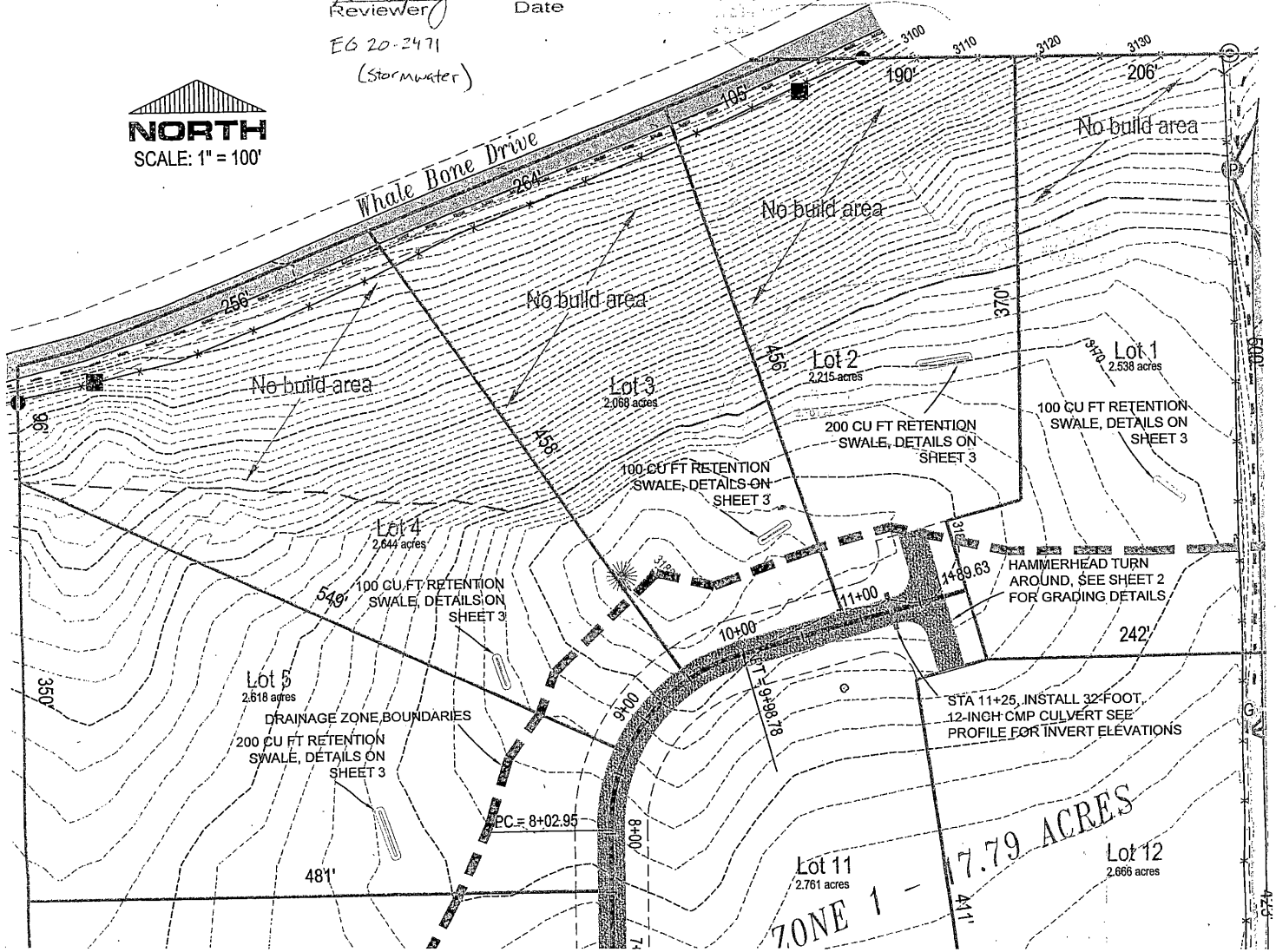


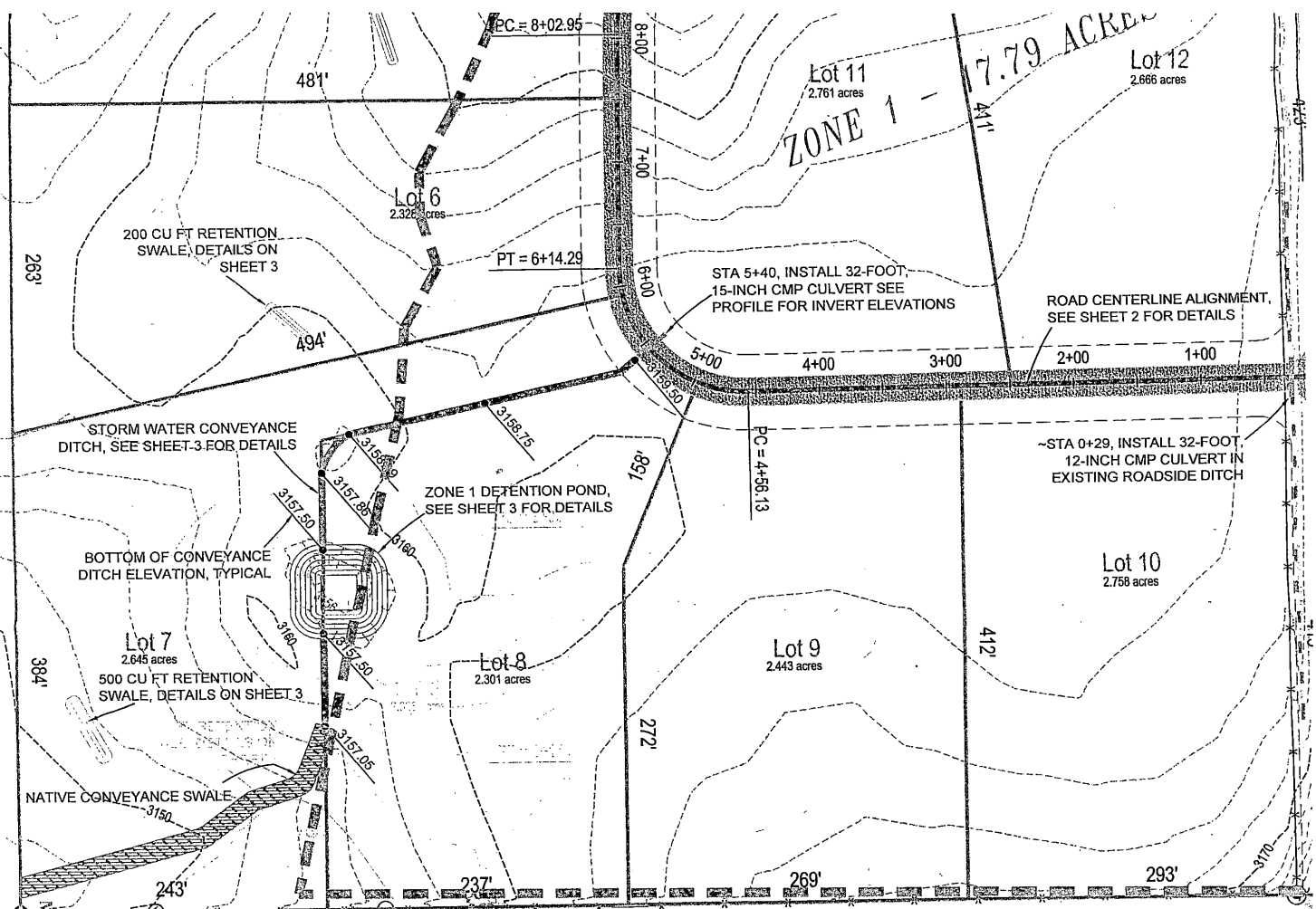
APPROVED
Montana Department of
Environmental Quality

Aur Lighth 9-10-20
Reviewer Date

EG 20-2471
(Stormwater)

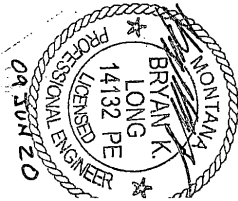
202100033108
Page: 16 of 25
Fees: \$200.00
9/14/2021 11:14 AM



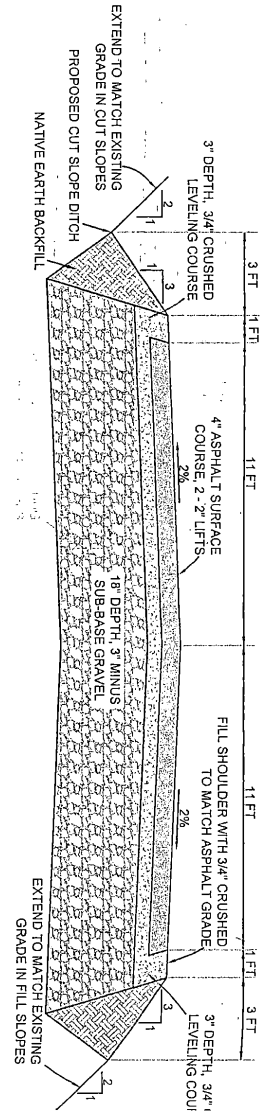


SHEET 1 OF 3
ROAD & GRADING/DRAINAGE PLAN

202100033108
 Page: 17 of 25
 Fees: \$200.00
 9/14/2021 11:14 AM

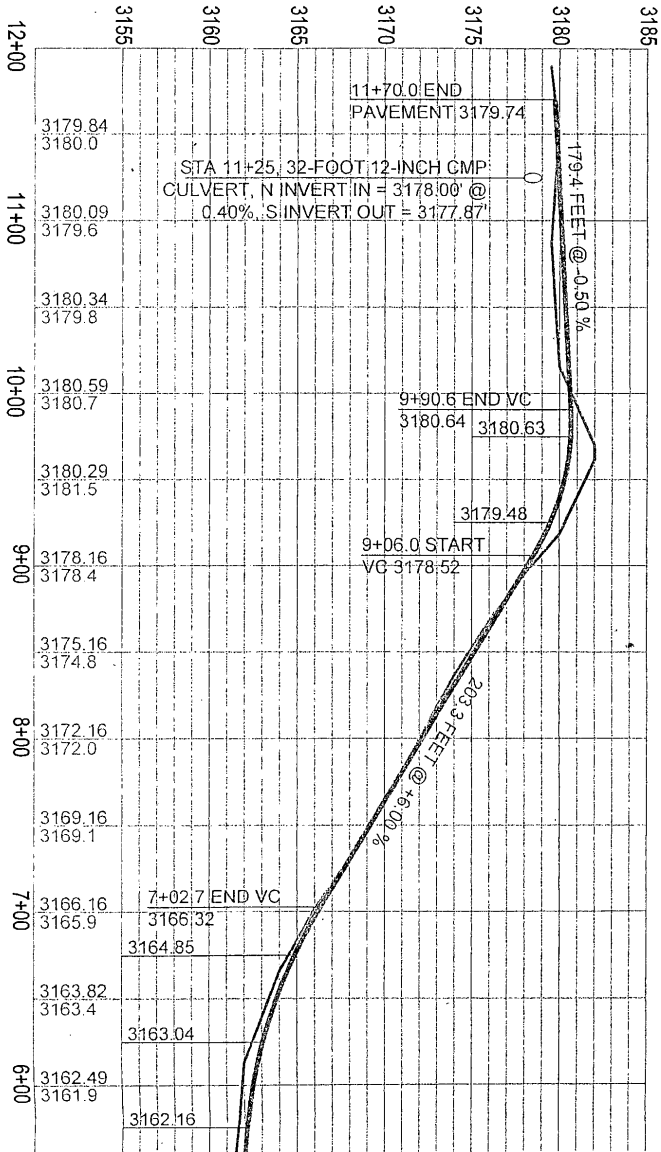


RECEIVED
 SEP - 4 2020
 MTD&Q PUBLIC WATER
 & SUBDIVISIONS



PROPOSED ROAD SECTION

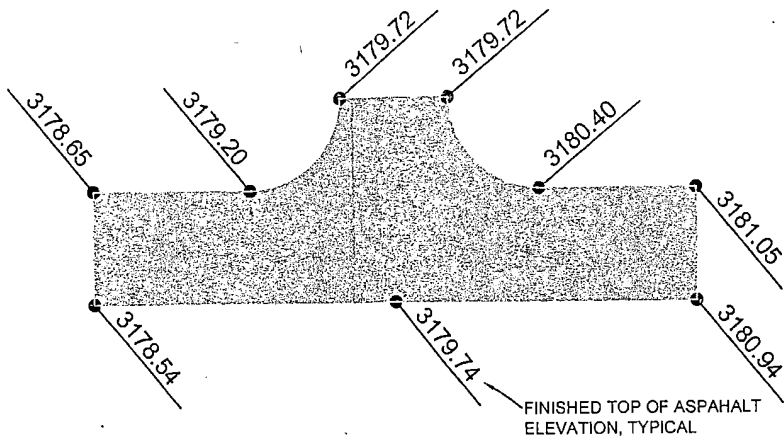
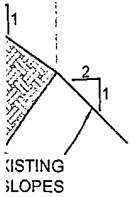
NOT TO SCALE



PROPOSED ROAD I

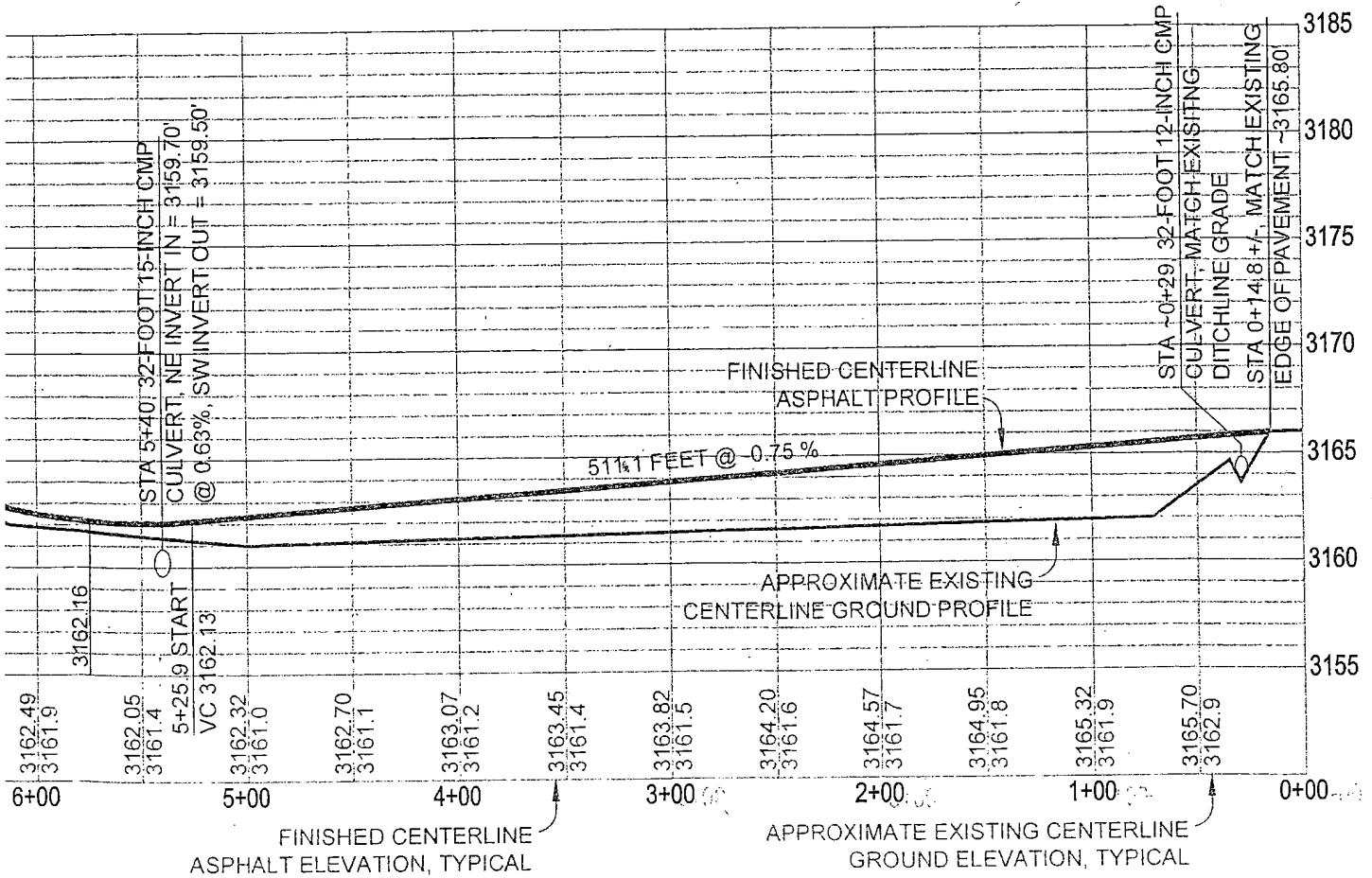
HORIZONTAL SCALE : 1"
 VERTICAL SCALE : 1"

1" = 10'
 " DEPTH, 3/4" CRUSHED
 LEVELING COURSE



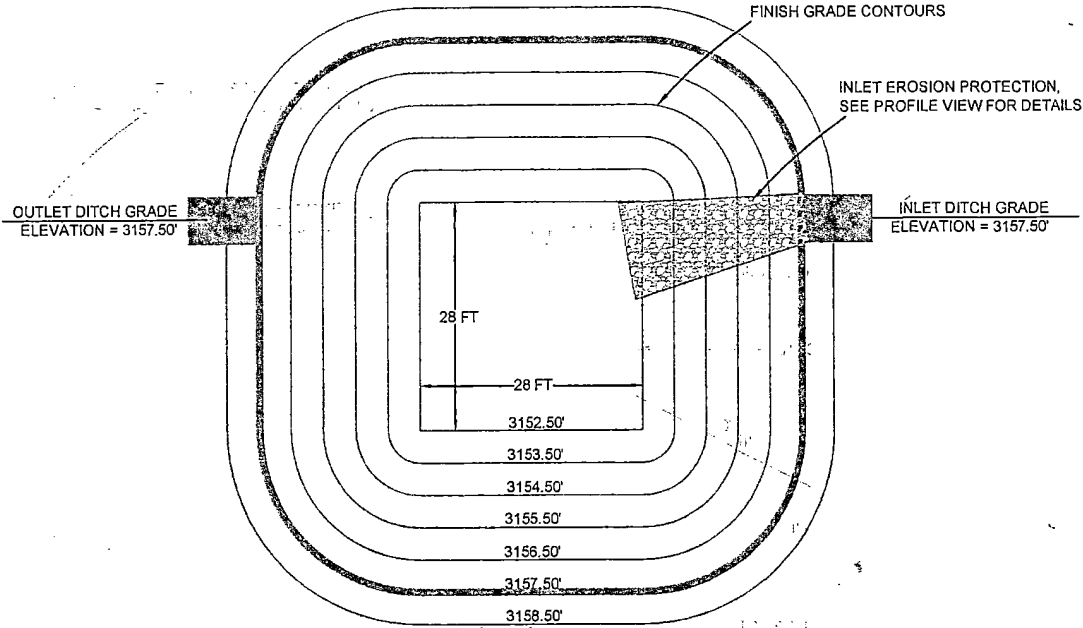
HAMMERHEAD GRADING PLAN

NOT TO SCALE



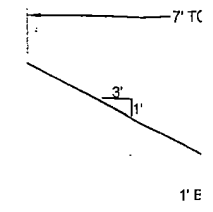
ROAD PROFILE

PLAN SCALE : 1" = 80'
 PROFILE SCALE : 1" = 8'

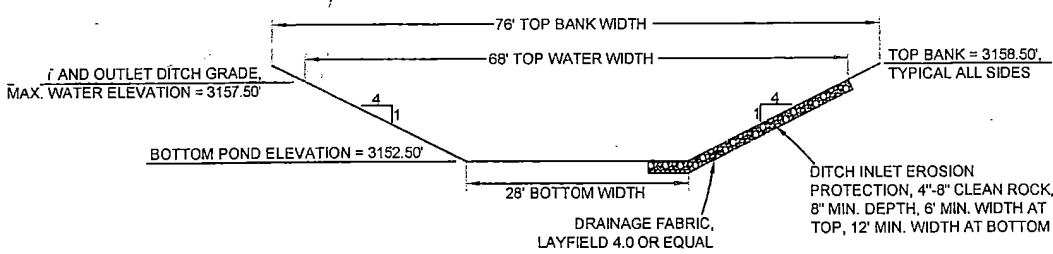


ZONE 1 RETENTION POND PLAN
 NOT TO SCALE

LOTS 1, 3 & 4 RETE
 NOT TO

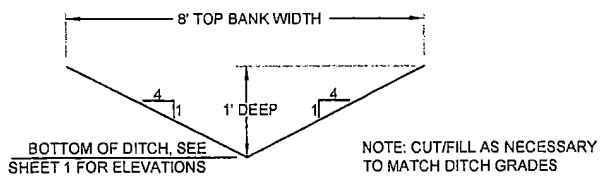
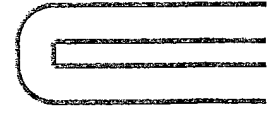


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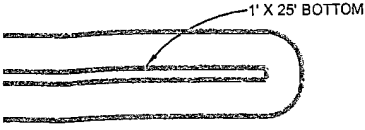
ZONE 1 RETENTION POND SECTION
 NOT TO SCALE

LOTS 2, 5 & 6 RETE
 NOT TC

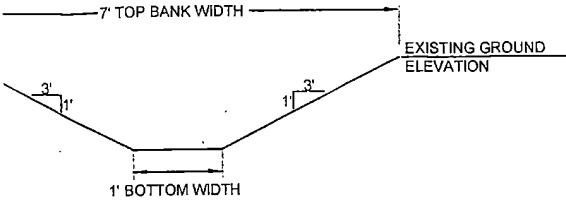


ZONE 1 CONVEYANCE DITCH SECTION
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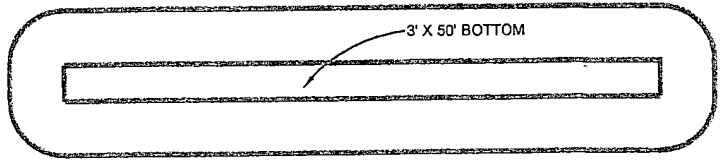
LOTS 2, 5 & 6 RETENT
 NOT TO



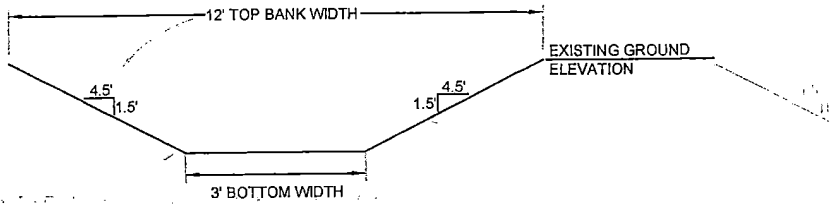
4 RETENTION POND PLAN
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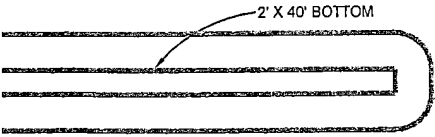
RETENTION POND SECTION
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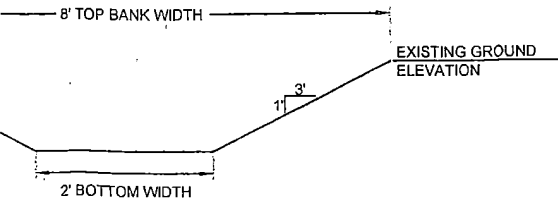
LOT 7 RETENTION POND PLAN
 NOT TO SCALE



LOT 7 RETENTION POND SECTION
 NOT TO SCALE



3 & 6 RETENTION POND PLAN
 NOT TO SCALE



3 RETENTION POND SECTION
 NOT TO SCALE

**DEPARTMENT OF NATURAL RESOURCES
AND CONSERVATION**

Water Resources Division – Kalispell Regional Office

STEVE BULLOCK, GOVERNOR



STATE OF MONTANA

PHONE: (406) 752-2288
FAX: (406) 752-2843

655 TIMBERWOLF PARKWAY, SUITE 4
KALISPELL, MT 59901



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9/14/2021 11:14 AM

February 26, 2019

Michael W. Fraser, PE
Fraser Management & Consulting, PLLC
690 North Meridian, Suite 103
Kalispell, MT 59901

Re: KRO-19-33 DNRC Water Right Review of Pheasant Ridge Subdivision of Parcel B (30.00 acres) COS 17971 (2007)

Dear Mr. Fraser:

The purpose of this letter is to respond to your request for DNRC review of water right permit exceptions under MCA 85-2-306 3 (iii) for the referenced project in accordance with ARM 17.36.103(1)(s). Individual wells are proposed on 12 lots ranging in size from 2.068-acres to 2.758-acres. DNRC has no record of a water right associated with the property being reviewed.

The Applicant proposes significant restrictions on water use to keep use no greater than 10 AF/year. The department recommends that the COSA and final plat includes these restrictions to insure future owners are made aware of the restrictions and do not appropriate more water than is legally available.

The Applicant estimates domestic use at 0.28 AF/year, this is the minimum use allowed both under DEQ and DNRC guidance. Lawn and garden irrigation of up to 10,575 square feet or 0.243-acres per lot, restricted to 5 months, May thru September, is estimated by the Applicant based on an MSU Extension Service application rate of 24.6 inches per year to be about 0.5533 acre-feet per season. 0.833 AF/year will be needed at a pumping rate not to exceed 35 GPM for each lot. Total groundwater use is estimated to be no more than 10 AF/year available under the water right permit exceptions of MCA 85-2-306 3 (iii).

Based on the information provided in your letter requesting DNRC review of water rights received on 2/15/2019, the lots and proposed well locations shown on the provided map do fit the current rules and laws pertaining to the filing of a water right using a DNRC Form 602, Notice of Completion of Groundwater Development on each lot. As noted on form 602, the pump rate must not exceed 35 gpm and the annual volume of water pumped must not exceed 10 acre-feet per well. If either a well's flow rate exceeds 35 gpm or the annual volume pumped exceeds 10 acre-feet then a water right permit must be applied for on DNRC form 600, prior to placing the water to a beneficial use. DNRC form 602, Notice of Completion of Groundwater Development, are to be filed within 60 days of the water being put to beneficial use.

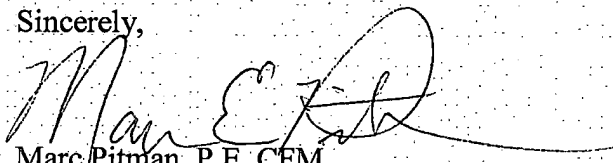
In Clark Fork Coalition, et. al. v. DNRC, et. al., 2016 MT 229, 384 Mont. 503, 380 P.3d 771, the Montana Supreme Court concluded that the definition of "combined appropriation" in Admin. R. Mont. 36.12.101(13) was invalid. The Court reinstated the Department's 1987 Rule defining "combined appropriation" as: "An appropriation of water from the same source aquifer by means of two or more groundwater developments, the purpose of which, in the department's judgment, could have been accomplished by a single appropriation. Groundwater developments need not be physically connected nor have a common distribution system to be considered a "combined appropriation." They can be separate developed springs or wells to separate parts of a project or development. Such wells and springs need not be developed simultaneously. They can be developed gradually or in increments. The amount of water appropriated from the entire project or development from these groundwater developments in the same source aquifer is the "combined appropriation."

Under this Rule, the Department interprets subdivisions that are pending before the Department of Environmental Quality for approval on October 17, 2014 or filed after that date to be a single project that can be accomplished by a single appropriation. Consequently all wells in such a subdivision will be considered a "combined appropriation" for the purposes of Mont. Code Ann. 85-2-306. The only exception to this interpretation is that a subdivision which has received preliminary plat approval prior to October 17, 2014 will not be considered a project under the "combined appropriation" 1987 Rule; individual lots will still be evaluated under the 1987 Rule at the time of an application to the Department. 2015 Mont. Laws § 1, Ch. 221.

This letter does not serve as a pre-approval for a water right. The information above is based upon the information provided in your request. Prior to issuance of any water right, the owner must first make an application or notice to the DNRC for a water right. Applications are processed on a first-come, first-served basis. To ensure timely processing of your water right, please contact DNRC at your earliest convenience to discuss filing requirements.

A copy of this letter and your request for DNRC review will be provided to DEQ and Flathead County.

Sincerely,


Marc Pitman, P.E., CFM
Regional Engineer

cc: DEQ, Leata English – via email only
Flathead County, Wendee Jacobs – via email only
Flathead County, Kate Cassidy – via email only

FEB 15 2020

FRASER MANAGEMENT & CONSULTING, PLLC.
690 NORTH MERIDIAN, SUITE 103
KALISPELL, MT. 59901

KALISPELL UNIT

January 14,
January 16, 2019

Kathy Olsen
Kalispell Water Resources Regional Manager
655 Timberwolf Parkway, Ste. 4
Kalispell, MT. 59901

Re: Pheasant Ridge- Usage

Dear Kathy;

The Certificate of Subdivision Approval, COSA, will limit the residences on each lot to three bedroom. Covenants, Conditions and Restrictions will limit each residence to three bedrooms. This condition is enforceable as the COSA will limit the drainfield to three bedrooms. Flathead County Environmental Health will not issue a permit for a larger system.

Weather conditions dictate the length of the irrigation season. With lower average temperatures in May precipitation satisfies much of the water need of lawn grass. The same holds true for June, the wettest month in the Flathead valley. Recommendations for watering lawns vary, one inch per week is recommended by Scott's fertilizer. Montana University Extension Service recommends a larger amount, 1.5" per week in May, June and September and 2" per week in July and August. US Climate data for May thru September is listed below with the amount of additional water needed to meet the recommended monthly irrigation.

	Precipitation Data		Lawn Irrigation		Total Water	
			Scotts	MSU – Extension	Scotts	MSU – Extension
May	2.2"		1.8"	3.8"	4.0"	6.0"
June	3.1"		0.9"	2.9"	4.0"	6.0"
July	1.4"		2.6"	6.6"	4.0"	8.0"
August	1.3"		2.7"	6.7"	4.0"	8.0"
Sept.	1.4"		2.6"	4.6"	4.0"	6.0"

Total Lawn irrigation needed to support a "healthy lawn" would be 10.6 inches per Scott's fertilizer and 24.6 inches per MSU – Extension Service. April and October are not "growing months in the Flathead Valley, no supplemental watering should be applied or is needed.

Utilizing the greater of the two above values of 24.6 inches of irrigation water, Pheasant Ridge will limit irrigation to no more than 10,575 square feet per lot. This area is 10% less than the area

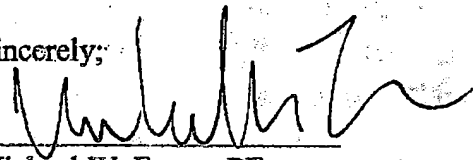


based on allowing the maximum of 0.5533 acre feet per lot for irrigation. A safety buffer of 10% will provide assurances the total domestic and irrigation use will not exceed 271,524 gallons, or 0.8333 ac. ft. per year per lot. This limitation would be defined in the COSA and CCR's. A Homeowners Association will be formed by the CCR's. CCR's will require each homeowner install a water meter which will be read May 1st and monthly thru September. A method assuring the maximum allowable volume is not exceeded. CCR's will prohibit lawn irrigation in all months except, May thru September.

Adequate mechanisms are or will be in place to insure the maximum allowed usage of 10.0 acre feet for the subdivision is not exceeded on a yearly basis.

Please provide the approval of this plan as satisfying ARM 17.36.103(s).

If additional information is needed, please contact me.

Sincerely,


Michael W. Fraser, PE.