

**FLATHEAD COUNTY PLANNING AND ZONING OFFICE**  
**SUBDIVISION REPORT #FPP-13-07**  
**AMENDED PLAT OF LOT 5 OF AMENDED PLAT LOTS 3,4,5 BLAINE CREEK ESTATES**  
**MARCH 26, 2014**

This is a report to the Flathead County Board of Commissioners regarding a request for preliminary plat approval of the 'Amended Plat of Lot 5 of the Amended Plat of Lots 3,4,5 Blaine Creek Estates', a major subdivision that would create one additional residential lot. The proposed subdivision is located on the north side of Mennonite Church Road, one-half mile east of Montana Highway 35.

The Planning Board will hold a public hearing in the Earl Bennett Building conference room at 1035 First Avenue West, Kalispell on April 9, 2014 to review the proposal and make a recommendation to the Flathead County Commission. Final action on this proposal by the governing body must be taken prior to the review deadline of May 16, 2014. Documents pertaining to this application are available for public inspection at the Flathead County Planning and Zoning Office, located in the Earl Bennett Building at 1035 First Avenue West, Kalispell, Montana.

**I. APPLICATION REVIEW UPDATES**

**A. Land Use Advisory Committee**

The proposal is not located within the advisory area of a Land Use Advisory Council.

**B. Planning Board**

The Flathead County Planning Board will hold a public hearing on the proposed subdivision on April 9, 2014 and make a recommendation to the Flathead County Board of Commissioners. This space is reserved for a summary of the Planning Board's discussion and recommendation.

**C. Commission**

The Flathead County Board of Commissioners will review this proposal prior to May 16, 2014 which is the end of the 60 working day statutory review period. This space is reserved for a summary of the Commissioner's discussion and decision.

**II. GENERAL INFORMATION**

**A. Application Personnel**

**i. Applicant/Owner**

Steve and Alisa Lamb  
207 Mennonite Church Road  
Kalispell, MT 59901

**ii. Technical Assistance**

Andrew Belski  
River Design Group  
5098 Hwy 93 South  
Whitefish, Mt. 59937

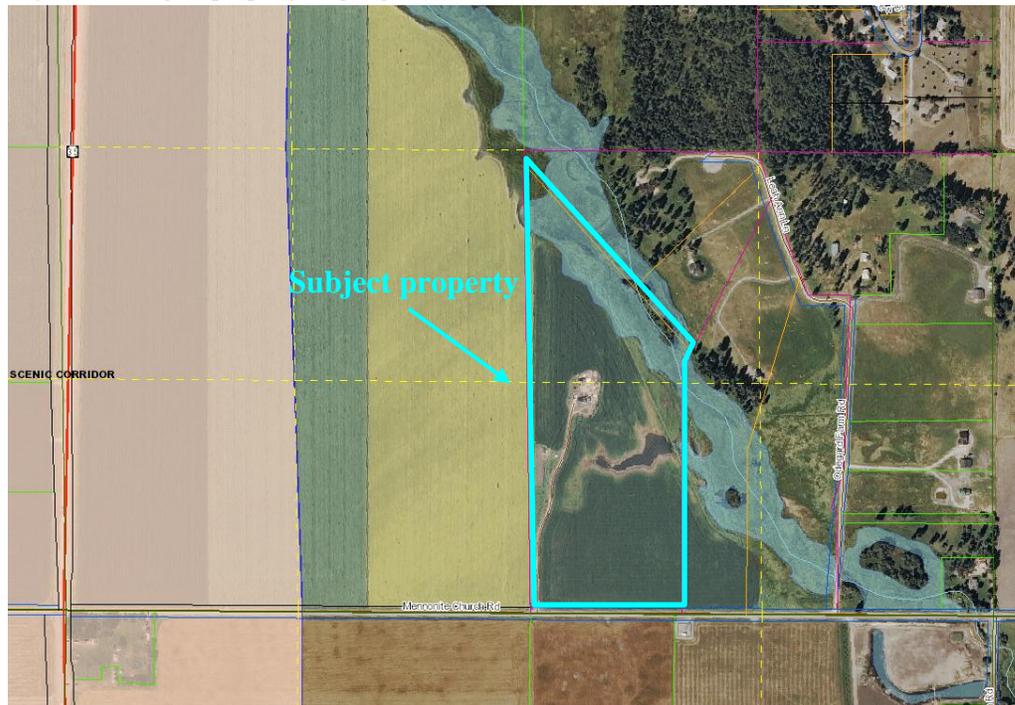
**B. Project Description:**

The proposed subdivision would create two twenty acre single-family residential lots on the 40.79 acre subject property. The applicants are proposing individual wells and septic systems for each lot, and access would be from Mennonite Church Road a shared driveway approach. As the property abuts Blaine Creek and its associated wetlands and floodplain, the application includes a Riparian Management Plan and proposes a substantial 'No Build Zone' area to minimize impacts related to safety and the natural environment.

**C. Legal Description:**

The subject property can be legally as Lot 5 of Amended Plat Lots 3,4,5 Blaine Creek Estates Subdivision in Section 4, Township 28 North, Range 20 West, P.M.M., Flathead County, Montana (See Figure 1).

**Figure 1:** Subject property (highlighted blue)



**D. Detailed Location**

The subject property is located on the north side of Mennonite Church Road, approximately one-half mile east of Montana Highway 35.

**E. Subdivision Layout Detail**

<b>i. Total Subdivision Acreage</b> .....	40.79 acre
<b>ii. Acreage in Lots (net)</b> .....	40.78acre
<b>iii. Acreage in Streets/Roads (net)</b> .....	0.00 acre
<b>iv. Park, Common Area and/or Open Space Acreage (net)</b>	0.00 acre
<b>v. Minimum Lot Size</b> .....	20.10 acre
<b>vi. Maximum Lot Size</b> .....	20.68 acre
<b>vii. Overall Gross Lot Density</b> .....	1 DU/ 20.39 acre
<b>viii. Easements</b> .....	(shared driveway 6000 ft <sup>2</sup> )

**F. Administrative Characteristics**

**i. Current Land Use**

The subject property is currently developed with a single family residence.

**ii. Current Zoning**

The subject property is located in an area of the County that is not zoned.

**iii. Proposed Land Use**

The proposed subdivision would create two lots for single family residential use.

**G. Area Characteristics**

**i. Description of Area Surrounding Proposed Subdivision**

The area surrounding the subject property may be generally described as an agricultural area

with rural residential uses.

**ii. Average Parcel Acreage**

Area parcel sizes tend to range from relatively small 2.5acre lots to larger estate-type residential lots 20 acres in size. Additionally there are a number of large agricultural tracts located near the subject property range in size from 150 to 300 acres in size.

**iii. Zoning**

As previously stated, the subject property is not zoned.

**iv. Land Uses**

Located east of Kalispell between Lake Blaine and Creston, prevalent land-uses surrounding the proposed subdivision include agricultural uses with estate-type residential lots interspersed throughout the area in both subdivisions and non-subdivided tract land.

**H. Utilities and Services**

**i. Water**

Individual well

**ii. Wastewater**

Individual septic systems

**iii. Electricity**

Flathead Electric Cooperative

**iv. Natural Gas**

N/A

**v. Solid Waste**

Contract haul

**vi. Telephone Service**

CenturyTel

**vii. Schools District(s)**

Cayuse Prairie (K-6); Flathead (9-12)

**viii. Fire Districts**

Creston Fire District

**ix. Police**

Flathead County Sheriff's Department

**III. COMMENTS RECEIVED**

**A. Agency Comments**

The subdivision file contains a copy of the agency referral document sent on March 5, 2014. As of the date of completion of this staff report, the following comments have been received:

- Jim Chilton, Flathead County Solid Waste
  - Comment indicates “outlying green box sites should not be used as the primary method of solid waste disposal.”
- Dave Prunty, Public Works/Flathead County Road Department
  - Indicated he has no comments or concerns.
- Marc Pitman, Montana DNRC
  - Acknowledging the Zone A floodplain on the property, the comment indicates the proposal addresses floodplain considerations appropriately.
  - Regarding water rights the comment indicates the existing water right appears associated with Lot 2 and that the future owner of Lot 1 would be required to file a

Notice of Completion For Groundwater Development, DNRC Form 602, after a well is developed and put into use on Lot 1.

- Peggy Beekman-Weyant, Bonneville Power Administration
  - Indicated the proposal will not impact any BPA transmission line corridors, and BPA has no objections to the approval of the requests.
- Mary Kaplan, Assistant to Superintendent of Kalispell Public Schools
  - Comment indicates no concerns.
- Amy Piazzola, Cayuse Prairie Administrator
  - Comment indicates no concerns.

#### **B. Public Comments**

In accordance with Section 4.0.14, adjacent property notification was mailed to neighboring property owners within 150 feet of the proposed subdivision on March 17, 2014, legal notice was published in the Daily Interlake on March 23, 2014, and notice of the proposal and public hearing was physically posted onsite on March 28, 2014.

As of the date of the completion of this staff report, no written public comments have been received regarding the proposal. Any written public comment received after March 26, 2014 will be summarized verbally and entered into the public record during the Planning Board hearing on April 9, 2014. Anyone wishing to provide verbal public comment may do so in person at the April 9, 2014 Planning Board hearing.

### **IV. EVALUATION OF SUBDIVISION PRELIMINARY PLAT**

#### **A. Review Criteria**

Findings in this portion of the report are applicable to the impacts of the proposed subdivision on the review criteria listed. Definitions of primary review criteria can be found in Chapter 2 of the Flathead County Development Code.

##### **i. Impact on Agriculture**

The subject property has historically been used for agriculture, most recently for wheat production. Adjacent neighboring properties to the west, east, and south of the subject property are used for agricultural uses, and adjacent neighboring properties to the north and east are also used for residential purposes. While the proposal may result in a reduction in agricultural production onsite, it does not appear the proposal would impact the ability of neighboring properties to continue to be used for agriculture. The evaluation of the submitted Preliminary Plat, Environmental Assessment, and supporting documentation included with the application has identified no adverse impacts to onsite or area agriculture which would necessitate special mitigation.

**Finding #1** – The development’s impact on agriculture would be minimal and limited to the subject property because adjacent properties are not dependent upon the subject property for continued agricultural use, agricultural access, or for irrigation water.

##### **ii. Impact on Agricultural Water User Facilities**

The subject property is not irrigated for agricultural purposes and is not in an irrigation district or party to any irrigation agreements.

**Finding #2** – There would be no impact on agricultural water user facilities as a result of the proposed subdivision because no such facilities are located onsite, and because the subject property is not irrigated for agricultural purposes, is not in an irrigation district, and is not party to any irrigation agreements.

### **iii. Impact on Local Services**

#### **1. Water and Wastewater**

There are no public water or wastewater services available in the vicinity of the proposal. Lot 1 is currently developed with a single family residence which is served by an onsite well and septic system, and a new well and septic system are proposed to serve the needs of the additional proposed residential use on Lot 2. It is anticipated that the proposed subdivision will introduce no impact to public water/wastewater services. While each lot exceeds 20 acres in size and are exempt from Montana Department of Environmental Quality (DEQ) subdivision review, the new drainfield on Lot 2 would be subject to non-degradation review and permitting as applicable by the Flathead County Environmental Health Department and the Montana Department of Environmental Quality.

#### **2. Schools**

The proposal is within the boundaries of Creston School District for elementary school students K-8 and the Flathead School District for high school students. Based on submitted comments from school district administrators it is anticipated that the few additional students which may potentially reside in the two-lot subdivision may be served without introducing significant impacts to the school districts.

#### **3. Mail Delivery**

The application indicates individual mailboxes would serve the subdivision. The proposal for mail delivery appears reasonable and the applicant should be required to provide a letter of approval from the U.S. Postal Service prior to final plat.

#### **4. Recreation**

The proposal is centrally located in the Flathead Valley which is an area with ample opportunities for a wide range of recreation. One additional residential lot would be created as a result of the proposed subdivision, and pursuant to Section 4.7.24(a)(i)&(iv) FCSR, parkland dedication is not required for the subdivision.

#### **5. Transportation Network**

Primary access to the proposed subdivision is Mennonite Church Road, a paved public county road situated within a 60 foot wide access and utility easement. The proposed shared driveway is not anticipated to impact the transportation network as it would minimize the number of new approaches onto the County road and is situated in a straight and open area of the road with good site distance visibility.

#### **6. Fire/Emergency Medical Services**

The site is in the Creston Fire District and the Kalispell Regional Medical Center is approximately 10 miles from the proposed subdivision. The impact to fire and emergency services is anticipated to be minimal and the addition of the proposed additional lot is not likely to alter the existing level of service.

#### **7. Police Services**

The proposed subdivision is located in a rural area of Flathead County and would be served by the Flathead County Sheriff's Department. Given existing staffing levels and shift rotations, the size of the county and the dispersed nature of the population, delayed

response times in the event of an emergency may be anticipated. The property's distance from the Sheriff's Department in Kalispell would result in response times being slower than response times in more urban areas of the County.

#### **8. Solid Waste Disposal**

The applicant has indicated home pick-up as the planned method of solid waste disposal which is contrary to the Flathead County Solid Waste District's consistent request that all new subdivisions in Flathead County use a contract hauler to bring solid waste to the landfill. Pursuant to Section 4.7.22 FCSR the applicant should be required to meet the requirements of the Flathead County Solid Waste District.

#### **9. Other Utilities**

Existing electric and telephone utilities are located on the subject property. Utilities for Lot 1 would be required to be extended underground in compliance with Section 4.7.23 FCSR.

**Finding #3-** Impacts on local services would be acceptable with the imposition of standard conditions because the Lots within the proposed subdivision would be served by onsite individual septic systems and wells, would have direct access onto a public paved local road situated within a legal access easement, would utilize contract haul services, will be served by the Creston Fire District and the Flathead County Sheriff's Department in the event of an emergency, and would have access to phone and electric utilities extended underground in conformance with the applicable regulations.

### **iv. Impact on the Natural Environment**

#### **1. Water Quality**

As shown on the preliminary plat and in Figures 1 above, Blaine Creek courses through the northeast corner of the subject property and through adjacent properties to the north and east, and submitted materials indicate shallow groundwater is present in areas of the property associated with the creek and intermittent ponding area depicted on the plat. Wastewater would be managed with an existing permitted septic/drainfield system on Lot 1 and a new septic/drainfield system for Lot 2 which is subject to applicable evaluation and permitting by the Flathead County Environmental Health Department and the Montana Department of Environmental Quality, and stormwater runoff from each lot would be managed through evaporation and absorption into the ground. In order to minimize impact to Blaine Creek and shallow groundwater, the subdivision is configured in such a manner that each lot is relatively large in size and building and drainfield sites for each lot are situated on higher ground well away from the proposed 'No Build Zone' zone encompassing Blaine Creek and its surrounding wetlands and floodplain.

#### **2. Air Quality**

The applicant has submitted a "Dust and Air Pollution Control and Mitigation Plan" compliant with Section 4.7.14 FCSR. A note should be required to be placed on the face of the final plat that requires the owners of both lots abide by the guidelines set forth in the plan during and after site construction and development activities.

#### **3. Impact of Noise**

Lot 1 is already developed with a residence and outbuildings, and development of a future residence on Lot 2 would likely generate minimal noise during construction. The proposed residential use is not anticipated to generate permanent continuous impacting noise to area residents or wildlife.

#### **4. Impact to Flora**

The subject property is generally flat and open agricultural land which has been actively farmed for wheat. In addition to the prevalent wheat fields on the property, Blaine Creek which courses through the northeast area of the subject property contains wetland and riparian vegetation. All onsite subdivision improvements would be located away from the creek and the only anticipated impacts to flora are those associated with potential propagation of weeds on disturbed areas if not managed appropriately. Pursuant to Section 4.7.25 FCSR the applicant would be required to develop and implement a weed management plan specific to be approved by the Flathead County Weed Board prior to final plat approval.

#### **5. Impact to Floodplain**

According to FEMA Map Number 30029C1835G, the subject property contains floodplain areas delineated as Special Flood Hazard Area mapped as Zone A with no Base Flood Elevations (BFE) determined. Impact to floodplain is anticipated to be minimal because the mapped Special Flood Hazard Area would be encompassed in an area designated as 'No Build Zone' on the face of the final plat and proposed building sites and subdivision improvements would be located outside of the 0.1% annual chance flood area (Zone A 100-year floodplain).

#### **6. Impact to Riparian/Wetland Areas**

Approximately 150 feet along the northeastern subdivision boundary is within the Blain Creek drainage containing floodplain area and wetland vegetation on the bank and shore of the river. The creek is currently undisturbed with no restoration or alterations proposed. As proposed, the subdivision would not impact riparian or wetland areas on or adjacent to the subject property because those areas are encompassed in an area designated as 'No Build Area' on the preliminary plat. Areas of the subdivision with wetlands or riparian vegetation correlate with areas of shallow groundwater and are considered unsuitable for development, and therefore should be required to be shown and designated as 'No Build Zone' on the final plat pursuant to Sections 4.7.9 FCSR.

#### **7. Impact to Historical Features**

The subject property is heavily forested undeveloped land, there are no apparent historical structures located on the subject property, and the proposal is not anticipated to impact historical features.

**Finding #4** - Adverse impacts to water quality as a result of the subdivision are not anticipated because of the large 20-acre size of each lot which appear to contain suitable areas for building sites and drainfields situated well away from areas of shallow groundwater, appropriate stormwater management would be able to prevent direct discharge of stormwater from entering Blaine Creek, and the water supply, wastewater treatment, and stormwater management would be required to meet applicable permitting requirements of the Flathead County Environmental Health Department and the Montana Department of Environmental Quality.

**Finding #5** - Portions of the subject property are currently mapped as Zone A 100-year floodplain. There is no anticipated impact to floodplain because proposed building sites and subdivision improvements would be located outside of the 0.1% annual chance flood area (100-year floodplain) with the imposition of a condition requiring the elevation and area delineated as Special Flood Hazard area be shown as 'No Build Zone' on the face of the final plat.

**Finding #6** – Adverse impacts to riparian and wetland vegetation would be minimized and adequately mitigated if the identified wetland areas are shown as ‘No Build Zone’ on the face of the final plat because the physical location and sensitivity of the floodplain and wetlands adjacent to the river would be made apparent to future lot owners and persons conducting development activities within the subdivision.

**Finding #7** – Adverse effects of the proposed subdivision on the natural environment would be minimal and acceptable with the imposition of conditions requiring the developer to mitigate dust and to take necessary steps to manage noxious weeds on site. Impact to the other criteria discussed relative to ‘impact on the natural environment’ would be minimal and acceptable with the imposition of conditions.

#### **v. Impact on Wildlife**

The subject property is located in a rural agricultural area with flat open agricultural fields abutting wetland areas along Blaine Creek. The submitted Environmental Assessment indicates the general presence of typical wildlife species such as whitetail deer, turkey, pheasant, muskrat, beaver, and black-bear which may inhabit the site. Data from the Montana Natural Heritage Program indicates several ‘species of concern’ occur within the vicinity of the proposed subdivision, including various birds which rely on water as habitat and fish. While Blaine Creek and its surrounding drainage area contain habitat resources on the subject property which provide those areas are proposed to be designated as a ‘No Build Zone’ with no development which would maintain the quality of aquatic and riparian habitat which occurs onsite.

**Finding #8** – Adverse impacts of the proposed subdivision on wildlife are not anticipated because the property is not known to be inhabited by endangered or threatened species and areas with critical habitat for ‘species of concern’ would be designated as ‘No Build Zone’ and would remain undeveloped.

#### **vi. Impact on Wildlife Habitat**

The subject property is relatively flat and open land which has been used for dry farming agriculture and which provides some habitat for wildlife where subdivision improvements and residential lots are proposed. According to submitted data from the Montana Natural Heritage Program, several ‘species of concern’ occur in the vicinity of the subdivision and use the specific type of aquatic habitat including streams and rivers, wetlands, and riparian areas present in the northeast area of each lot corresponding with subdivision area proposed to be designated as ‘No Build Zone’.

**Finding #9** – Adverse impacts on wildlife habitat from the proposed two lot subdivision are not anticipated because the site’s critical habitat for ‘species of concern’ which have been identified in the vicinity of the subdivision would be protected from development by being designated as ‘No Build Zone’ on the face of the final plat and the relatively large 20 acre lots would result in preservation of habitat on each lot.

#### **vii. Impact on Public Health and Safety**

Findings in this part of the staff report are applicable to the impacts of the proposed subdivision on public health and safety.

##### **1. Flood Risk**

According to FEMA Map Number 30029C1835G, the subject property contains areas mapped as Zone X and Special Flood Hazard Area - Zone A. As indicated on the

preliminary plat proposed building sites and subdivision improvements can be located outside of the 0.1% annual chance flood area (100-year floodplain). In order to minimize potential damage to structures and harm to residents due to flooding, the entire mapped 100-year floodplain boundary on the subject property should be required to be shown as 'No Build Zone' on the face of the final plat.

**2. Water and Wastewater Treatment**

Existing public water and sewer services are not available for the proposed subdivision. Lot 1 is currently developed with a well and permitted septic system and Lot 2 is proposed to use an individual septic system and new individual well as shown on the preliminary plat and submitted application materials. Submitted material indicates the property is prone to shallow groundwater and the new septic/drainfield system for Lot 2 would be required to undergo applicable evaluation and permitting. The details of overall suitability regarding the sewage treatment system, water supply and storm drainage will be reviewed by the Flathead County Environmental Health Department and the Subdivision Section of the Department of Environmental Quality for compliance with the Sanitation in Subdivisions Act.

**3. Stormwater**

While both lots exceed 20-acres in size and are not subject to DEQ subdivision review, the submitted application includes a conceptual plan for the management of stormwater indicating stormwater on each lot would be managed through absorption within soil thus preventing direct discharge into Blaine Creek or onto adjoining properties or roads. The proposed stormwater management plan would be required to be reviewed and approved by the Flathead County Environmental Health Department and the Montana Department of Environmental Quality, as applicable, prior to final plat approval.

**4. Traffic Safety**

Primary access to the proposed subdivision is Mennonite Church Road which extends east from Montana Highway 35. Mennonite Church Road is a public paved local road occurring within a 60 foot wide access and utility easement. The proposed shared driveway approach onto Mennonite Church Road appears to have excellent sight distance and occurs in a location with moderate traffic speeds. The proposed subdivision and its shared driveway is not anticipated to impact traffic safety because the shared portion of approach would be required to be constructed and paved to applicable standards and an approved approach permit for the driveway approach would be required to be obtained by the Flathead County Road and Bridge Department prior to Final Plat approval, ensuring the approach meet the Department's standards.

**5. High Voltage Electric Lines/High Pressure Gas Lines**

There are no high voltage electric lines or high pressure gas lines traversing the subject property or in the immediate vicinity of the proposed subdivision.

**6. Fire and Emergency Services**

The proposed subdivision is located within the jurisdiction of the Creston Fire District and would be served by the District and the Flathead County Sheriff's Department in the event of an emergency. The property is located within an open agricultural area outside of the Wildland Urban Interface. As the site has good access and is located relatively close to emergency service provider stations it is anticipated the public health and safety risk as a result of wildfire is relatively low for the proposed subdivision.

## **7. Geologic Hazards**

As shown on the preliminary plat, the subject property is generally flat with gently rolling terrain gently transitioning into the Blaine Creek drainage. and according to submitted application there is no indication of unstable soils which would indicate significant geologic hazards present on the subject property. The subdivision is designed such that subdivision improvements would be confined to the flat areas centrally located on the property and each lot possesses buildable areas that comply with the Flathead County Subdivision Regulations in regard to slope and driveway access. While areas within the Blaine Creek drainage appear subject to seasonally fluctuating high ground water and risk associated with flooding, there is no planned development in those areas of the property.

## **8. Avalanche Hazards**

The proposed subdivision is not considered prone to avalanche hazards.

## **9. Airport Influence Areas**

The subject property is not located in an area of the County identified as an airport influence area.

## **10. Soils**

According to NRCS soils data, soils in the buildable areas of each lot are comprised of Class I Creston silt loams which are typically well-drained loamy to slightly clayey soils considered the most desirable soils for farming in the upper Flathead Valley. The NRCS description cites few limitations with the described soils.

**Finding #10** - Portions of the subject property are mapped on FEMA Firm Panel 30029C1835G as Zone x and Zone A. Adverse impacts to public health and safety due to flood risk would be minimized if the entire area delineated as Zone A (aka 100-year floodplain) was shown as 'No Build Zone' on the face of the final plat because the physical location of the floodplain would be made apparent to future lot owners, thus reducing the potential for uninformed development activities within the delineated Special Flood Hazard Area.

**Finding #11** – The proposal location is not mapped as Wildland Urban Interface and the effects of this proposed subdivision on public health and safety appear acceptable because adequate physical and legal access to the site is currently provided, adequate emergency services are available, and the shared access onto Mennonite Church Road would provide for safe ingress and egress of vehicles.

**Finding #12** – Minimal risks to public health and safety are anticipated with the imposition of conditions because the proposal for water, sanitation, and stormwater will be required to be reviewed and approved as applicable prior to installation of the proposed new facilities; adequate physical and legal access to the subdivision is currently provided and adequate emergency services are available for the subdivision; areas within the 100-year floodplain would be shown as 'No Build Zone' on the face of the final plat; there are no high voltage electric or high pressure gas lines on or around the subject property; and, there are no apparent hazards associated with geology, avalanche, or airport influence areas.

## **B. Compliance with Survey Requirements of 76-3-401 through 76-3-406 M.C.A.**

**Finding #13** - The preliminary plat will conform to all provisions of the Montana Subdivision and Platting Act if it contains all elements required to meet state survey requirements, which will be determined when it is reviewed by the Flathead County Examining Land Surveyor prior to final plat approval.

**C. Compliance with the Flathead County Subdivision Regulations**

**Finding #14** - No variances are requested or required. No Phasing plan has been proposed or requested. The proposed subdivision is in general compliance with the Flathead County Subdivision Regulations, effective June 1, 2012 as compliant legal and physical access would be provided and potential impacts to the primary review criteria are able to be adequately addressed by conditions.

**D. Compliance with the Flathead County Subdivision Review Procedure**

**i. Pre-application Conference Date**

July 8, 2013

**ii. Application Deadline Date**

December 8, 2013 (application submitted on November 8, 2013)

**iii. Completeness Date**

November 15, 2013

**iv. Sufficiency Date**

February 21, 2014 (insufficient 12/9/13 and 2/3/14)

**v. Adjacent Property Notification Mailing Date**

March 17, 2014

**vi. Legal Notice Publication Date**

March 23, 2014

**vii. On-site Posting of Public Hearing Date**

March 28, 2014

**Finding #15** - The proposal has been reviewed as a major subdivision in accordance with statutory criteria and standards outlined in Sections 4.4 of the Flathead County Subdivision Regulations effective June 1, 2012.

**E. Provision of Easements for the Location and Installation of Planned Utilities**

**Finding #16** - The preliminary plat identifies adequate easements for utilities to serve the subdivision. All other easements associated with this subdivision and the subdivided property shall be clearly located on the Final Plat to satisfy applicable requirements of the Montana Subdivision and Platting Act and the Flathead County Subdivision Regulations.

**F. Provision of Legal and Physical Access to Each Parcel**

**Finding #17** – As shown on the preliminary plat, Mennonite Church Road would provide legal and physical access to all lots within the subdivision. Mennonite Church Road is a paved local road within a 60 foot wide public road and utility easement.

**G. Review of Applicable Plans**

Section 76-1-605(2)(b) M.C.A states that “A governing body may not withhold, deny, or impose conditions on any land use approval or other authority to act based solely on compliance with a growth policy adopted pursuant to this chapter.” Furthermore, 76-3-608(3) M.C.A. does not contain compliance with the growth policy as a primary criteria by which an individual subdivision proposal must undergo local government review or on which findings of fact are to be based. Review of general conformance with applicable plans is provided as an acknowledgement and consideration of the guidance offered by the information contained in the document(s).

**i. Neighborhood Plan**

The proposed Canyon View Subdivision is not located within a neighborhood plan area.

**ii. Flathead County Growth Policy**

The Flathead County Growth Policy is a general policy document that meets the requirements of 76-1-601, MCA and was adopted on October 12, 2012. The location is in an area of the county that is designated as ‘Agricultural Rural’ on the Flathead County Designated Land Use Map. The proposal appears to substantially meet the general goals and policies applicable to agricultural and residential uses and appears to meet relevant goals and policies applicable to sanitation and access to available services, as defined in Chapters 2-8 of the Flathead County Growth Policy.

**H. Compliance with Local Zoning**

The proposed subdivision is located in an area of Flathead County that is presently unzoned. Therefore compliance with local zoning is not applicable nor required as part of this subdivision application and review.

**Finding #18** – The proposed subdivision is located in an unzoned area of Flathead County is not required to comply with local zoning regulations because no such zoning exists that is applicable to the subject property.

**V. SUMMARY OF FINDINGS**

1. The development’s impact on agriculture would be minimal and limited to the subject property because adjacent properties are not dependent upon the subject property for continued agricultural use, agricultural access, or for irrigation water.
2. There would be no impact on agricultural water user facilities as a result of the proposed subdivision because no such facilities are located onsite, and because the subject property is not irrigated for agricultural purposes, is not in an irrigation district, and is not party to any irrigation agreements.
3. Impacts on local services would be acceptable with the imposition of standard conditions because the Lots within the proposed subdivision would be served by onsite individual septic systems and wells, would have direct access onto a public paved local road situated within a legal access easement, would utilize contract haul services, will be served by the Creston Fire District and the Flathead County Sheriff’s Department in the event of an emergency, and would have access to phone and electric utilities extended underground in conformance with the applicable regulations.
4. Adverse impacts to water quality as a result of the subdivision are not anticipated because of the large 20-acre size of each lot which appear to contain suitable areas for building sites and drainfields situated well away from areas of shallow groundwater, appropriate stormwater management would be able to prevent direct discharge of stormwater from entering Blaine Creek, and the water supply, wastewater treatment, and stormwater management would be required to meet applicable permitting requirements of the Flathead County Environmental Health Department and the Montana Department of Environmental Quality.
5. Portions of the subject property are currently mapped as Zone A 100-year floodplain. There is no anticipated impact to floodplain because proposed building sites and subdivision improvements would be located outside of the 0.1% annual chance flood area (100-year floodplain) with the imposition of a condition requiring the elevation and area delineated as Special Flood Hazard area be shown as ‘No Build Zone’ on the face of the final plat.
6. Adverse impacts to riparian and wetland vegetation would be minimized and adequately mitigated if the identified wetland areas are shown as ‘No Build Zone’ on the face of the final plat because the physical location and sensitivity of the floodplain and wetlands adjacent to the

river would be made apparent to future lot owners and persons conducting development activities within the subdivision.

7. Adverse effects of the proposed subdivision on the natural environment would be minimal and acceptable with the imposition of conditions requiring the developer to mitigate dust and to take necessary steps to manage noxious weeds on site. Impact to the other criteria discussed relative to 'impact on the natural environment' would be minimal and acceptable with the imposition of conditions.
8. Adverse impacts of the proposed subdivision on wildlife are not anticipated because the property is not known to be inhabited by endangered or threatened species and areas with critical habitat for 'species of concern' would be designated as 'No Build Zone' and would remain undeveloped.
9. Adverse impacts on wildlife habitat from the proposed two lot subdivision are not anticipated because the site's critical habitat for 'species of concern' which have been identified in the vicinity of the subdivision would be protected from development by being designated as 'No Build Zone' on the face of the final plat and the relatively large 20 acre lots would result in preservation of habitat on each lot.
10. Portions of the subject property are mapped on FEMA Firm Panel 30029C1835G as Zone x and Zone A. Adverse impacts to public health and safety due to flood risk would be minimized if the entire area delineated as Zone A (aka 100-year floodplain) was shown as 'No Build Zone' on the face of the final plat because the physical location of the floodplain would be made apparent to future lot owners, thus reducing the potential for uninformed development activities within the delineated Special Flood Hazard Area.
11. The proposal location is not mapped as Wildland Urban Interface and the effects of this proposed subdivision on public health and safety appear acceptable because adequate physical and legal access to the site is currently provided, adequate emergency services are available, and the shared access onto Mennonite Church Road would provide for safe ingress and egress of vehicles.
12. Minimal risks to public health and safety are anticipated with the imposition of conditions because the proposal for water, sanitation, and stormwater will be required to be reviewed and approved as applicable prior to installation of the proposed new facilities; adequate physical and legal access to the subdivision is currently provided and adequate emergency services are available for the subdivision; areas within the 100-year floodplain would be shown as 'No Build Zone' on the face of the final plat; there are no high voltage electric or high pressure gas lines on or around the subject property; and, there are no apparent hazards associated with geology, avalanche, or airport influence areas.
13. The preliminary plat will conform to all provisions of the Montana Subdivision and Platting Act if it contains all elements required to meet state survey requirements, which will be determined when it is reviewed by the Flathead County Examining Land Surveyor prior to final plat approval.
14. No variances are requested or required. No Phasing plan has been proposed or requested. The proposed subdivision is in general compliance with the Flathead County Subdivision Regulations, effective June 1, 2012 as compliant legal and physical access would be provided and potential impacts to the primary review criteria are able to be adequately addressed by conditions.
15. The proposal has been reviewed as a major subdivision in accordance with statutory criteria and

standards outlined in Sections 4.4 of the Flathead County Subdivision Regulations effective June 1, 2012.

16. The preliminary plat identifies adequate easements for utilities to serve the subdivision. All other easements associated with this subdivision and the subdivided property shall be clearly located on the Final Plat to satisfy applicable requirements of the Montana Subdivision and Platting Act and the Flathead County Subdivision Regulations.
17. As shown on the preliminary plat, Mennonite Church Road would provide legal and physical access to all lots within the subdivision. Mennonite Church Road is a paved local road within a 60 foot wide public road and utility easement.
18. The proposed subdivision is located in an unzoned area of Flathead County is not required to comply with local zoning regulations because no such zoning exists that is applicable to the subject property.

## **VI. CONCLUSION**

In accordance with the provisions of Section 4.4 of the Flathead County Subdivision Regulations, a review and evaluation of the major subdivision application has been completed by the staff of the Planning Board. The proposed subdivision appears to generally comply with the applicable design standards and subdivision review criteria found in Section 4.7 FCSR, pursuant to Findings of Fact stated above, or can be mitigated with conditions of approval. Should the Planning Board forward a recommendation of approval of this subdivision to the Flathead County Commissioners, the following conditions should be considered to supplement that recommendation.

## **VII. CONDITIONS**

### **A. Standard Conditions**

1. The applicant shall receive physical addresses in accordance with Flathead County Resolution #1626C. All road names shall appear on the final plat. Street addressing shall be approved by Flathead County. [Section 4.7.16(g)(iv), 4.7.26(c) Flathead County Subdivision Regulations (FCSR)]
2. The applicant shall comply with all reasonable fire suppression and access requirements of the Creston Fire District. A letter from the fire chief stating the plat meets the applicable requirements of the district shall be submitted with the application for final plat. [Section 4.7.26(b), FCSR]
3. All areas disturbed during development of the subdivision shall be re-vegetated in accordance with an approved Weed Control Plan and a letter from the County Weed Supervisor stating that the Weed Control Plan has been approved and implemented shall be submitted with the final plat. [Section 4.7.13(g) and 4.7.25, FCSR]
4. All utilities shall be extended underground to abut and be available to each lot, in accordance with a plan approved by the applicable utility providers. [Section 4.7.23, FCSR]
5. The proposed water, wastewater treatment, and stormwater drainage systems for the subdivision shall be reviewed as applicable by the Flathead City-County Health Department and approved by the Montana Department of Environmental Quality. [Section 4.7.13, 4.7.20, 4.7.22 FCSR]
6. The mail delivery site shall be provided with the design and location approved by the local postmaster of USPS. A letter from the postmaster stating that the applicant has met their requirements shall be included with the application for final plat. [Section 4.7.28, FCSR]

7. In order to assure the provisions for collection and disposal of solid waste, the developer shall submit a letter from the applicable solid waste contract hauler stating that the hauler is able to provide service to the proposed subdivision. [Section 4.7.22, FCSR]
8. The owners shall abide by the guidelines set forth in the approved Dust and Air Pollution Control and Mitigation Plan during and after site construction and development activities. [Section 4.7.14, FCSR]
9. The following statements shall be placed on the face of the final plat applicable to all lots:
  - a. All road names shall be assigned by the Flathead County Address Coordinator and clearly identified and house numbers will be clearly visible from the road, either at the driveway entrance or on the house. House numbers shall be at least four inches in length per number. [Section 4.7.26(c), FCSR]
  - b. All utilities shall be placed underground. [Section 4.7.23, FCSR]
  - c. The owners shall abide by the guidelines set forth in the approved Dust and Air Pollution Control and Mitigation Plan during and after site construction and development activities. [Section 4.7.14, FCSR]
  - d. Solid Waste removal for all lots shall be provided by a contracted solid waste hauler. [Section 4.7.22, FCSR]
  - e. Lot owners are bound by the Weed Control Plan to which the developer and the Flathead County Weed Department agreed. [4.7.25, FCSR]
10. The final plat shall comply with state surveying requirements. [Section 76-3-608(b)(i), M.C.A.]
11. All required improvements shall be completed in place or a Subdivision Improvement Agreement shall be provided by the subdivider prior to final approval by the County Commissioners. [Section 4.0.16 FCSR]
12. The final plat shall be in substantial compliance with the plat and plans submitted for preliminary plat review, except as modified by these conditions. [Section 4.1.13 FCSR]
13. Preliminary plat approval is valid for three years. The final plat shall be filed prior to the expiration of the three years. Extension requests to the preliminary plat approval shall be made in accordance with the applicable regulations and following associated timeline(s). [Section 4.1.11 FCSR]

## **B. Project-Specific Conditions**

14. The common shared portion of the shared access and its approach shall be constructed and paved to applicable County standards to provide for safe all-season ingress and egress of vehicles. [Section 4.7.16 FCSR]
15. To ensure a proper maintenance mechanism is in place for the common shared portion of the shared access and its approach onto Mennonite Church Road, a Road Users' Agreement requiring each property owner to bear their pro-rata share for road maintenance shall be submitted prior to final plat. [Section 4.7.15(e) FCSR]
16. An approach permit for the shared access shall be obtained from the Flathead County Road and Bridge Department and submitted prior to final plat. [Section 4.7.16 FCSR]
17. The wetlands within and adjacent to Blaine Creek shall be shown and labeled as a 'No Build Zone' on the face of the final plat. [Section 4.7.10 FCSR]
18. The entire delineated SFHA 100-year floodplain within the subdivision boundary and its elevation shall be shown and labeled as a 'No Build Zone' on the face of the final plat. [Sections 4.7.5(a & d) and 4.7.9 FCSR]