

Flathead County

Planning & Zoning

1035 1st Ave W, Kalispell, MT 59901
Telephone 406.751.8200 Fax 406.751.8210

MAJOR SUBDIVISION PRELIMINARY PLAT APPLICATION

Submit this application, all required information, and appropriate fee (see current fee schedule) to the Planning & Zoning office at the address listed above.

FEE ATTACHED \$ 2790.00+ addresses

SUBDIVISION NAME: Whitefish River Trails, Phase 2 - 5

OWNER(S) OF RECORD:

Name: Conservation Land Use, LLC Attn: Ribert Rigg Phone: (406) 885-8558

Mailing Address: 31 Bar H Drive

City, State, Zip: Kalispell, MT 59901

Email: _____

APPLICANT (IF DIFFERENT THAN ABOVE):

Name: Same

Phone: MAR - 1 2016

Mailing Address: _____

City, State, Zip Code: _____

Email: _____

TECHNICAL/PROFESSIONAL PARTICIPANTS:

Name: Sands Surveying, Inc , Attn: Eric Mulcahy Phone: (406) 755-6481

Mailing Address: 2 Village Loop

City, State, Zip: Kalispell, MT 59901

Email: eric@sandssurveying.com

Name: Environmental Consulting Services Phone: (406) 257-0679

Mailing Address: 2 Village Loop

City, State, Zip: Kalispell, MT 59901

Email: _____

LEGAL DESCRIPTION OF PROPERTY:

Street Address Mannington Street

City/State & Zip Kalispell

Assessor's Tract No.(s) Tract 2 (Tract 1 of COS 20164) Lot No.(s) N/A

Section 20 and 21 Township 29N Range 21W

GENERAL DESCRIPTION/TYPE OF SUBDIVISION: _____

The applicant is proposing a 17 lot cluster subdivision in the SAG-5 zone. Of the seventeen lots, the open space lot (Lot 21) is 42 acres in size while the remainder of the lots average 1.28 acres gross. The subdivision utilizes the density bonus of the clustering regulations and will comply with the single family

Number of Lots or Rental Spaces 17 Total Acreage in Subdivision 63.089 ac
Total Acreage in Lots 60.603 acres Minimum Size of Lots or Spaces 1.122 (gross) ac
Total Acreage in Streets or Roads 2.486 ac Maximum Size of Lots or Spaces 42.478 ac
Total Acreage in Parks, Open Spaces and/or Common Areas Lot 21 is the 42.478 acre open space lot

PROPOSED USE(S) AND NUMBER OF ASSOCIATED LOTS/SPACES:

Single Family (17) Townhouse _____ Mobile Home Park _____
Duplex _____ Apartment _____ Recreational Vehicle Park _____
Commercial _____ Industrial _____ Planned Unit Development _____
Condominium _____ Multi-Family _____ Other _____

APPLICABLE ZONING DESIGNATION & DISTRICT: The property is zoned SAG-5

IS SUBJECT PROPERTY LOCATED WITHIN 3-MILE BUFFER OF KALISPELL, WHITEFISH, OR COLUMBIA FALLS? The property is located within three miles of Kalispell.

ESTIMATE OF MARKET VALUE BEFORE IMPROVEMENTS: \$6,300.00 per acre

IMPROVEMENTS TO BE PROVIDED:

Roads: _____ Gravel Paved _____ Curb _____ Gutter _____ Sidewalks _____ Alleys _____ Other _____

* **Water System:** _____ Individual Shared _____ Multiple User _____ Public _____

* **Sewer System:** Individual _____ Shared _____ Multiple User _____ Public _____

Other Utilities: _____ Cable TV Telephone Electric _____ Gas _____ Other _____

Solid Waste: _____ Home Pick Up _____ Central Storage Contract Hauler _____ Owner Haul _____

Mail Delivery: Central _____ Individual _____ School District: Kalispell SD #5

Fire Protection: _____ Hydrants Tanker Recharge _____ Fire District: West Valley

Drainage System: On-site

* **Individual** (one user)
Shared (two user)
Multiple user (3-9 connections or less the 25 people served at least 60 days of the year)
Public (more than 10 connections or 25 or more people served at least 60 days of the year)

PROPOSED EROSION/SEDIMENTATION CONTROL: BMP's as needed

VARIANCES: ARE ANY VARIANCES REQUESTED? Yes (yes/no)
(If yes, please complete the information on page 3)

SECTION OF REGULATIONS CREATING HARDSHIP: 4.7.17.a

PLEASE RESPOND TO THE FOLLOWING STATEMENTS IN THE SPACES PROVIDED BELOW: (The Commission shall not approve a variance unless it finds that all of the following are met)

1. The variance will not be detrimental to the public health, safety, or general welfare or injurious to other adjoining properties.
The requested variance address what we consider a driveway that will be shared with a neighbor to the north as well as the farm access to the irrigation pumps down by the River. The driveway will no different than many of the neighboring driveway and as it serves a single lot in the Whitefish River Trail subdivision. As the driveway will handle a very low volume of traffic it should not create much road dust and as the driveway is private, the public would not have to cover the cost of paving in the future.
2. Due to the physical surroundings, shape, or topographical conditions of the property involved, strict compliance with the regulations will impose an undue hardship on the owner. Undue hardship does not include personal or financial hardship, or any hardship that is self imposed.
The driveway in questions starts at the northeast corner of lot 14 and serves Lot 21 the open space lot. This driveway will serve the residence that can be constructed on Lot 21 along with the agricultural and irrigation uses of the open space parcel and neighboring parcels. The driveway is not open for public use and the open space lot is not a public park. The lot owners of Whitefish River Trails would be allowed to walk on the driveway to access the river but they will not be permitted to drive on the driveway. As the driveway approximately 2600 feet in length it would be a hardship to require almost ½ mile of pavement for a single lot.
3. The variance will not cause a substantial increase in public costs, now or in the future.
As stated above, the driveway is private and not open to the general public. As such, the driveway would not be subject to public expenditures for maintenance or upgrades. The variance will not cause an increase in public costs.
4. The variance will not place the subdivision in nonconformance with any adopted growth policy, neighborhood plan or zoning regulations.
The Growth Policy nor the flathead county Zoning Regulations require individuals to pave driveways or farm access.
5. The variance is consistent with the surrounding community character of the area.
The subdivision is located in an agricultural/suburban agricultural setting. Most of the driveway, private subdivision roads (Pine Grove Lane, Whitefish Trail, Freds Way, Stillwood, and Rufenach Lane), and even some of the county roads (Schrade) are gravel in

this area. The variance to the driveway will be consistent with the surrounding community.

APPLICATION CONTENTS:

1. Completed Preliminary Plat application *(If submitting bound copies of the application materials, please also include one **unbound** copy for replication purposes).*
2. 14 folded copies of the preliminary plat. *(Either 18" X 24" or 24" X 36" per Appendix B- Flathead County Subdivision Regulations).*
3. One reproducible set of supplemental information *(See Appendix B -Flathead County Subdivision Regulations).*
4. One reduced copy of the preliminary plat not to exceed 11" x 17" in size.
5. Application fee.
6. A **Certified** Adjoining Property Owners List must be submitted with the application *(see attached form)*. The list will be sent directly to the Planning & Zoning office, unless you request otherwise. This list is valid for a period of 6 months from date generated. You may also get a certified adjoining landowners list from a title company if you choose.

This application shall be submitted, along with all information required by the applicable Subdivision Regulations and the Montana Subdivision and Platting Act, and the appropriate fee to:

**Flathead County Planning & Zoning Office 1035 First Avenue West
Kalispell, Montana 59901 - Phone: (406) 751-8200 Fax: (406) 751-8210**

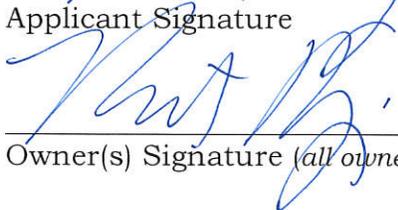
I hereby certify under penalty of perjury and the laws of the State of Montana that the information submitted herein, on all other submitted forms, documents, plans or any other information submitted as a part of this application, to be true, complete, and accurate to the best of my knowledge. Should any information or representation submitted in connection with this application be untrue, I understand that any approval based thereon may be rescinded and other appropriate action taken. The signing of this application signifies approval for the Flathead County Planning and Zoning staff to be present on the property for routine monitoring and inspection during the approval and development process.



Applicant Signature

2/23/16

Date



Owner(s) Signature (all owners must sign)

2/23/16

Date

Owner(s) Signature (all owners must sign)

Date

Directions to Whitefish River Trails Subdivision Property

The property is located on Whitefish Stage Road. The driveway into the property is approximately 8/10ths of a mile north of Rose Crossing on the east side of Whitefish Stage..

Deeds

After recording return to:
Conservation Land Use, LLC
31 Bar H Drive
Kalispell, MT 59901



Debbie Pierson, Flathead County MT by NC

201500028807
Page: 1 of 3
Fees: \$21.00
12/16/2015 11:57 AM

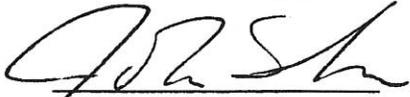
WARRANTY DEED

For Value Received, JOHN SCHWARZ, 3248 Farm to Market Road, Kalispell, MT 59901, hereinafter referred to as "Grantor", does hereby grant, bargain, sell and convey unto CONSERVATION LAND USE, LLC, of 31 Bar H Drive, Kalispell, MT 59901, hereinafter referred to as "Grantee" in and to the following described premises in Flathead County, Montana, to-wit:

Parcel A: (to become part of Tract 1 of Certificate of Survey 20167), more particularly described on Exhibit "A" attached hereto and hereby made a part hereof

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantees, that he is the owner in fee simple of said premises; that said property is free from all encumbrances and that he will warrant and defend the same from all lawful claims whatsoever.

Dated: December 16, 2015


JOHN SCHWARZ

APPROVED 12/16/15ff
08369504 0014807 w/survey



EXHIBIT "A"

PARCEL A OF CERTIFICATE OF SURVEY 20164 TO BECOME A PART OF TRACT 1 OF CERTIFICATE OF SURVEY NO. 20164, a tract of land, situated lying and being in the North Half of the North Half of Section 20 and in the West Half of the Northwest Quarter of Section 21, Township 29 North, Range 21 West, P.M.M., Flathead County, Montana.

TOGETHER WITH AND SUBJECT TO EASEMENTS as set forth and as depicted on Certificate of Survey No. 20164.

TOGETHER WITH a 60' Road and Utility Easement for access to Whitefish Stage Road pursuant to Easement Agreement recorded as Document Number 201500002812 records of Flathead County Montana.

TOGETHER WITH a Thirty (30") Foot moveable private road and utility easement as depicted over across and upon the Westerly portion of Tract 2 of Certificate of Survey No. 20164 as depicted on said Certificate of Survey.

SUBJECT TO Private Road and Utility Easements as set forth on Certificate of Survey 20164.

SUBJECT to Terms and Conditions of Conservation Easement as depicted on Certificate of Survey 20164, and

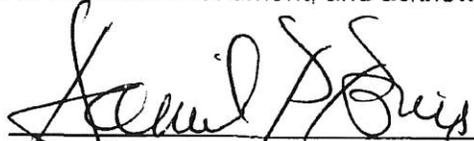
SUBJECT TO Access Easement as depicted and set forth on Certificate of Survey No. 20164 and as set forth in Warranty Easement Deed recorded as Document No. 1999-119-08510 records of Flathead County, Montana.

SUBJECT TO and TOGETHER with all appurtenant easements of record



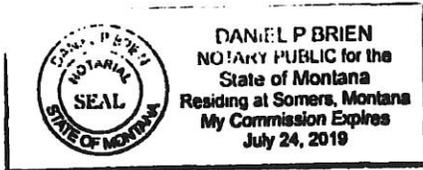
STATE OF MONTANA)
 : ss.
County of Flathead)

On this 16 day of December, 2015, before me undersigned, a Notary Public for the State of Montana, personally appeared JOHN SCHWARZ, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.



Notary Public for the State of Montana
Residing at: _____
My Commission expires: _____

(SEAL)



Certificates of Survey

Irrigation Water Right

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION
1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76LJ 1650-00 STATEMENT OF CLAIM
Version: 1 -- ORIGINAL RIGHT
Version Status: ACTIVE

Owners:
ROBIN C STREET
1414 ROSE CROSSING
KALISPELL, MT 59901

RICKEY L RICHARDS
449 NORTHRIDGE RD
KALISPELL, MT 59901

CHRISTINE A RICHARDS
449 NORTHRIDGE RD
KALISPELL, MT 59901

STEVEN STREET
2500 WHITEFISH STAGE
KALISPELL, MT 59901

WILLIAMS, HARRIET C REVOCABLE LIVING TRUST
% WILLIAMS, HARRIET C TRUSTEE
632 6TH ST E
KALISPELL, MT 59901

JOSEPH L PURDY
390 PURDY DR
EUREKA, MT 59917

OWNERSHIP UPDATE PROCESSED TO ADD NEW OWNERS. THE WATER RIGHT MAY BE SPLIT INTO SEPARATE WATER RIGHTS UPON REQUEST OF THE OWNERS.

Priority Date: MARCH 9, 1970

Enforceable Priority Date: MARCH 9, 1970

Type of Historical Right: FILED

Purpose (use): IRRIGATION

Irrigation Type: SPRINKLER

Maximum Flow Rate: 3.40 CFS

Maximum Volume: THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

Climatic Area: 3 - MODERATE

Maximum Acres: 218.00

Source Name: WHITEFISH RIVER

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

ID	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1		NWNWNW	21	29N	21W	FLATHEAD

Period of Diversion: MAY 1 TO OCTOBER 31

Diversion Means: PUMP

Period of Use: MAY 1 to OCTOBER 31

Place of Use:

ID	Acres	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1	148.00		N2N2	20	29N	21W	FLATHEAD
2	70.00		E2NE	19	29N	21W	FLATHEAD
Total:	218.00						

Geocodes/Valid: 07-4078-19-1-03-01-0000 - Y 07-4078-19-1-03-05-0000 - Y
07-4078-19-1-03-10-0000 - Y 07-4078-19-1-03-15-0000 - Y
07-4078-19-1-03-20-0000 - Y 07-4078-19-1-03-25-0000 - Y
07-4078-19-1-03-30-0000 - Y 07-4078-19-1-03-35-0000 - Y
07-4078-20-1-01-01-0000 - Y 07-4078-20-1-01-05-0000 - Y
07-4078-20-1-01-11-0000 - Y 07-4078-20-1-01-21-0000 - Y