

FLATHEAD COUNTY PLANNING AND ZONING OFFICE
SUBDIVISION REPORT # FPP-13-03
WHITEFISH HILLS FOREST PHASES 2-5 SUBDIVISION
AUGUST 28, 2013

A report to the Flathead County Board of Commissioners regarding a request for preliminary plat approval of Whitefish Hills Forest Phases 2-5, a phased major subdivision that would create 49 residential lots. Located between Kalispell and Whitefish, the subdivision is on the north side of KM Ranch Road approximately 1.25 miles west of U.S Highway 93.

The Planning Board will hold a public hearing in the Earl Bennett Building conference room at 1035 First Avenue West, Kalispell on September 11, 2013 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 October 23, 2013. 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/Council

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 September 11, 2013 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.

UPDATE 9/17/13: The Flathead County Planning Board held a public hearing on September 11, 2013 to review the proposed subdivision. Board members present included Jim Heim, Noah Bodman, Jeff Larsen, Marie Hickey-AuClaire, Greg Stevens, Bob Faulkner, and Ron Schlegel.

- Staff presented the report, summarizing the file history, agency and public comment received to date, pertinent review criteria, and draft findings and conditions for the Subdivision request, and staff presented a new draft condition (#32) regarding legal vehicular access over State Trust lands which was recognized as being appropriate but inadvertently not included in the original staff report.
- Following staff's presentation the applicant's technical representative gave a brief presentation indicating no concerns with the staff report's draft findings and conditions.
- There was agency comment from Mike Collins of the Montana DNRC who discussed interests of the DNRC as related to the subdivision lot owner's use of the Whitefish Hills Drive easement access across State Trust land.

- There was agency comment from Anne Shaw-Moran of the Montana DNRC who discussed interests of the DNRC as related to current and future uses on adjacent State Trust land.
- The Planning Board then opened the hearing for public comment, during which time two comments were provided:
 - Tom Sands indicated there is effort underway to resolve the matter regarding legal use of the Whitefish Hills Drive easement access across State Trust land.
 - Patrick Sullivan, a resident in neighboring Whitefish Hills Subdivision pointed out the drive time from the northern subdivision boundary to Whitefish is almost the same whether you travel from Stelle Lane or Whitefish Hills Drive. He also strongly supported the concept of installing the fire suppression tanker recharge facility in conjunction with the first phase (Phase 2).

After discussion the Planning Board voted to adopt the staff report #FPP-13-03 as findings of fact, to add staff's draft condition #32, to strike draft condition #25 and then voted unanimously on the motion to recommend approval of the subdivision, as amended, to the County Commission. Reflecting the noted changes, the Findings of Fact and Conditions as amended are included on the attached Planning Board Addendum to this report.

C. Commission

The Flathead County Board of Commissioners will review this proposal after the public hearing conducted by the Planning Board and prior to October 23, 2013 which is the end of the 60 working day statutory review period. This space will contain an update regarding the Flathead County Commission review of the proposal.

II. GENERAL INFORMATION

A. Project Personnel

i. Applicant/Owner

Don Murray for
Whitefish Hills Forest, LLC
P.O. Box 1178
Kalispell, MT 59903

Mark and Donna Lies
4570 Foxtail Drive
Greenwood, Co. 80121

ii. Technical Assistance

Sands Surveying, Inc.
2 Village Loop
Kalispell, MT 59901

WMW Engineering, Inc
50 West Second Street
Whitefish, MT 59937

B. Project Description

The request is for preliminary plat approval of Whitefish Hills Forest Phases 2-5 Subdivision, a proposal which would create forty-nine residential lots from the 524.05 acre subject property. While the proposed subdivision was previously reviewed and conditionally approved in 2009, the current application and preliminary plat are undergoing review again as the original preliminary plat approval period expired.

Ranging from 10-20 acres in size, all lots would be served by individual wastewater treatment systems and wells. Primary access to the gated subdivision is from either Stelle Lane via Whitefish Hills Drive or KM Ranch Road, and all lots would be directly accessed from new internal subdivision roads presently under construction.

CC&R's

The application includes draft *Declaration of Covenants, Conditions, Restrictions, and Reservations For Whitefish Hills Forest* (CC&R's) which are inclusive with the Whitefish Hills Subdivision CC&R's by reference and which address a range of topics pertinent to the review of the proposed subdivision such as fire protection and fuels reduction and legal use and maintenance of roads and entrance gates by and between owners within proposed Whitefish Hills Forest Phase 2-5 Subdivision and existing Whitefish Hills Subdivision.

Traffic

Due to the number of proposed lots and associated traffic, the application includes a Traffic Impact Study.

Wetlands

Containing wetland areas within the subdivision boundaries, the application includes a wetland delineation report.

Fire Hazard

Occurring within the Wildland Urban Interface, the application includes a draft Fire Prevention Control and Fuels Reduction Plan.

Phasing

Planned to be developed in four phases (Phases 2-5), the application includes a proposed phasing plan outlining the anticipated development activities and timeframe of each phase as follows:

- Phase 2 developments would include: Construction and paving of new internal Whitefish Ranch Road from the intersection of existing Whitefish Hills Drive southward to the northern intersection of new internal Forest Loop; improvement of the remainder of Whitefish Ranch Road southward to KM Ranch road to a non-paved secondary emergency access standard; completion of offsite paving of Stelle Lane from Highway 93 west to Big Ravine Road; completion of offsite paving of KM Ranch Road along entire frontage of the subdivision, and; all utilities would be extended through the phase. Phase 2 is hoped by developer to be completed by Spring 2014 but may occur three years from preliminary plat approval or longer if the developer requests extensions.
- Phase 3 developments would include: Completion of construction and paving of new internal Whitefish Ranch Road southward to KM Ranch Road, and all utilities would be extended through the phase. Phase 3 is hoped to be completed by fall of 2016, but may be longer depending upon date of Phase 2 final plat and if the developer requests extensions.
- Phase 4 developments would include: Completion of construction and paving of new internal Forest Court, and all utilities would be extended through the phase. Phase 4 is

hoped to be completed by fall of 2018, but may be longer depending upon date of Phase 3 final plat and if the developer requests extensions.

- Phase 5 developments would include: Completion of construction and paving of new internal Forest Loop, and all utilities would be extended through the phase. Phase 4 is hoped to be completed by fall of 2020, but may be longer depending upon date of Phase 4 final plat and if the developer requests extensions.

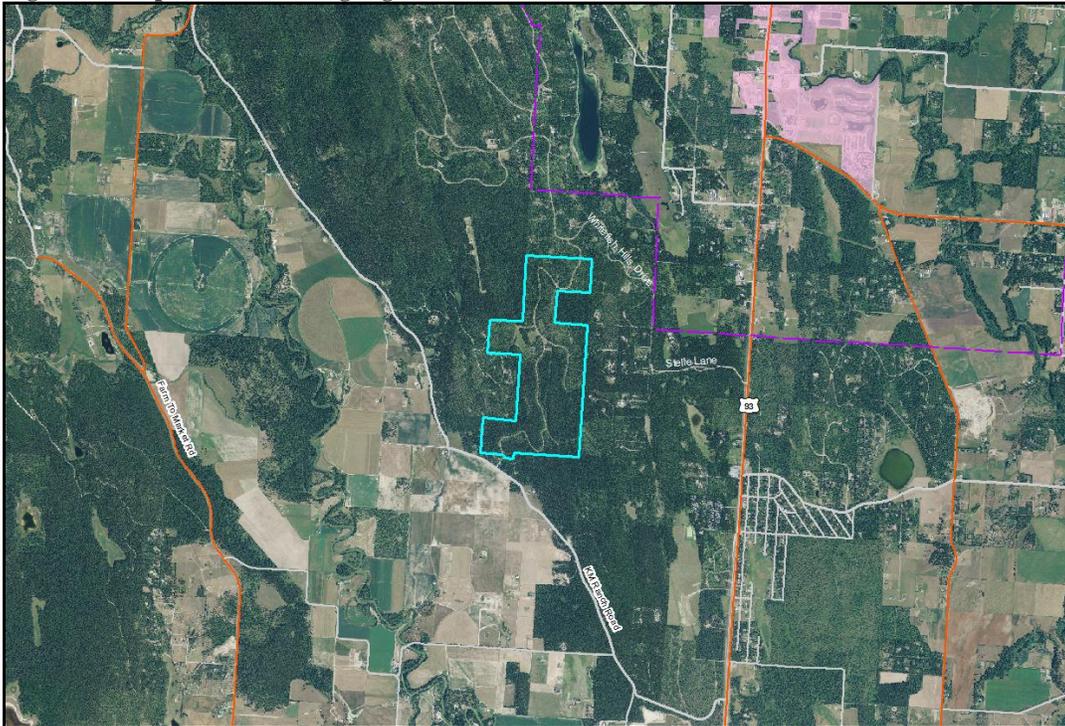
C. Legal Description of Subject Property

Proposed Whitefish Hills Forest Phases 2-5 Subdivision is comprised of several tracts of record that can be legally described as Assessor’s Tracts 1 and 5 and Amended Lot 12 of Whitefish Hills Phase I in Section 14; Assessor’s Tracts 1, 1A, 1B, 2, 3, 3A, 3B, 3BB and 3BE in Section 23; Assessor’s Tracts 1, 1A, 2B, 2BA and 2BB in Section 22 and Assessor’s Tract 4B in Section 27, all in Township 30 North, Range 22 West, P.M.M., Flathead County, Montana.

D. Detailed Location

Located approximately three miles south of Whitefish, the proposed subdivision is situated between KM Ranch Road and Whitefish Hills Drive approximately 1 mile west of Highway 93 (refer to Figure 1).

Figure 1- Proposal location highlighted blue



E. Subdivision Layout Detail

i. Total Subdivision Acreage:	524.05 acres
ii. Acreage in Lots:	494.88 acres
iii. Acreage in Roads:	29.16 acres
iv. Total Park/Common Area/Open Space Acreage:	NONE

- v. **Minimum Lot Size:** 10.00 acres
- vi. **Maximum Lot Size** 20.00 acres
- vii. **Overall Gross Lot Density:** 1 dwelling unit per 10.69 acres
- viii. **Easements**

The preliminary plat indicates:

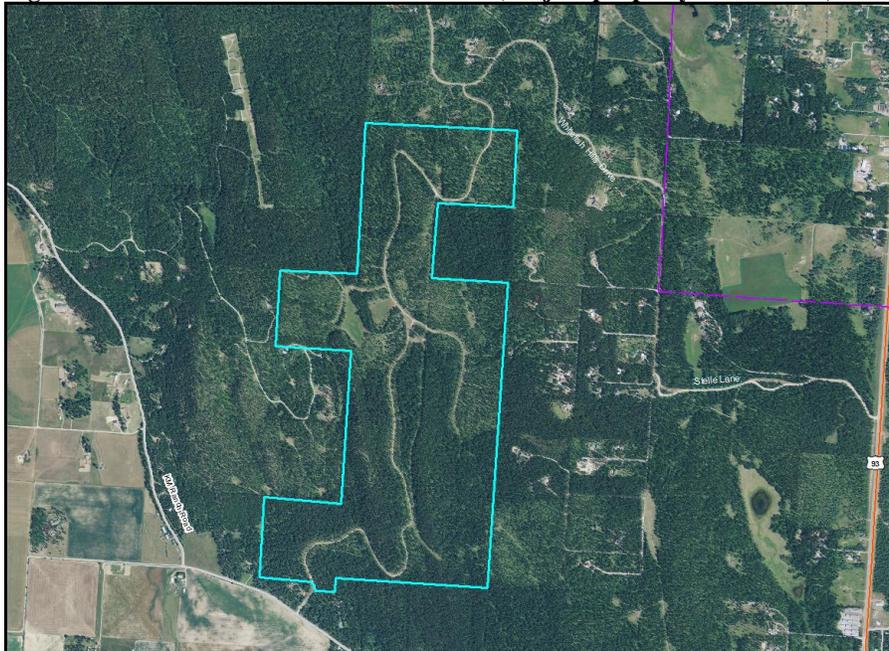
- Existing public road and utility easement containing KM Ranch Road.
- Existing 60-90 foot private road and utility easement containing the subdivision entry gate and southernmost constructed segment of Whitefish Ranch Road within existing Whitefish Hills Forest Phase 1.
- Proposed 60-foot wide private road and utility easements for proposed internal roads including Whitefish Ranch Road, Forest Loop, and Forest Court;
- A proposed 30-foot equestrian easement adjacent to proposed internal roads including Whitefish Ranch Road, Forest Loop, and Forest Court.

F. Administrative Characteristics

i. Current Land Use

While the forested subject property was formerly used for silvicultural use, there is currently no active logging use and the land is vacant.

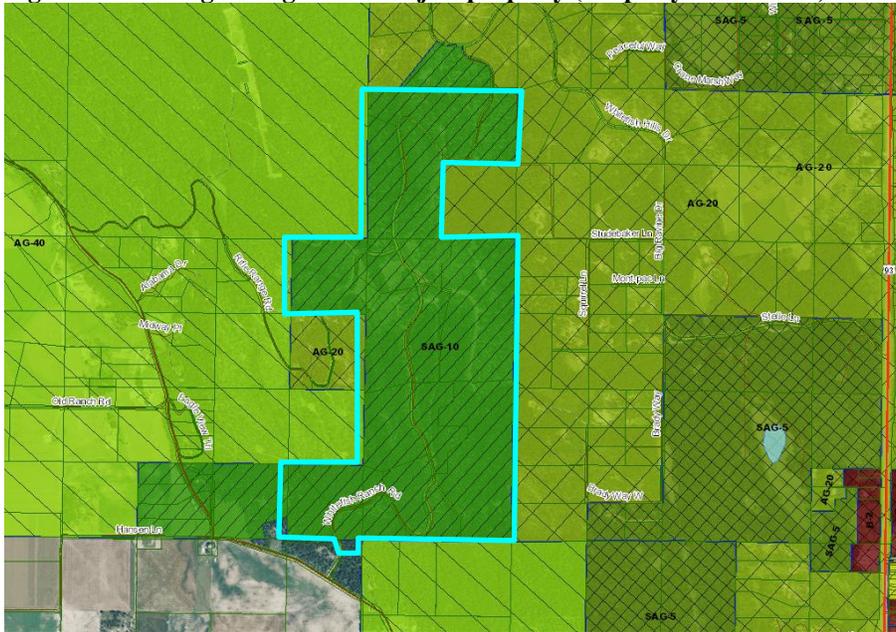
Figure 2 - Current land use and land cover (subject property shown blue)



ii. Current Zoning

Located within the Highway 93 North Zoning District, the subject property is currently zoned ‘SAG-10 Suburban Agricultural’ (see Figure 3 below).

Figure 3 - Existing zoning on the subject property (Property shown blue).



iii. Proposed Land Use

The proposed subdivision would create 49 single-family residential lots on the subject property. The subdivision would be accessed via gated entrances located where proposed Whitefish Ranch Road meets KM Ranch Road and where existing Whitefish Hills Drive meets Stelle Lane at the entrance to neighboring Whitefish Hills Subdivision. The proposed internal roads would be designed and constructed to meet applicable County road standards.

G. Area Characteristics

i. Description of Area Surrounding Proposed Subdivision

The area is generally surrounded by vacant rolling forested land, State land, or forested lands with single-family residential. Generally the lot sizes surrounding the property range from 10-40 acres. To the west and north of the proposed subdivision is a contiguous area of heavily forested State trust forest land roughly 2000 acres in size.

ii. Average Parcel Acreage

Adjacent and area parcels are a combination of subdivision lots and non-subdivision tracts generally ranging from 10-40 acres in size.

iii. Zoning

As shown in Figure 3 above, the subject property is located within a ‘SAG-10 Suburban Agricultural’ zoning district and surrounded by agricultural and suburban agricultural zoning use designations.

iv. Land Uses

As shown in Figures 1 and 2 above, the subject property is situated in a rural area which is prevalently developed with agricultural and relatively low density residential uses. The predominant character of private surrounding the subject

property is agricultural and estate-type rural residential, and the mix of agricultural and residential land uses is consistent with the zoning established in the general area. While the adjacent State trust forested land is relatively undeveloped the land is used for active ongoing silvicultural purposes, has a rifle range operated by a long-term lessee, a public recreational trail system, and the area is a popular hunting area for large game including deer, elk, and bear.

v. Previously Considered Subdivisions in Area

Adjacent properties are predominantly comprised of large acreage tract land created through deeds and certificates of survey. Area subdivisions created in the vicinity of the proposed subdivision include Whitefish Hills Phases 1-3, Whitefish Hills Forest Phase 1, Mont-Pac Estates, and Mountain Meadows No.1, and recently preliminarily approved Whitefish Hills Village. These previous subdivisions are situated on similar terrain, and while the proposed subdivision is similar to Whitefish Hills Village in terms of scale it would have higher density with 10-acre lots vs. the prevalent 20-acre lot size in Whitefish Hills Subdivision.

H. Utilities and Services

i. Water

Individual wells

ii. Wastewater

Individual septic systems

iii. Electricity

Flathead Electric Cooperative

iv. Natural Gas

Not available

v. Solid Waste

Contract Haul

vi. Telephone Service

Century Tel

vii. School District(s)

Whitefish Elementary, Whitefish High school

viii. Fire District(s)

West Valley Fire District and Whitefish Rural 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 August 7, 2013. As of the date of completion of this staff report, the following comments have been received:

- Dave Prunty, Public Works/Flathead County Road Department
 - Indicated he has no comments or concerns.
- Nathan Holm, Flathead County GIS Department
 - The proposed road names Whitefish Ranch Road, Forest Court, and Forest Loop

are approved by the Flathead County GIS Department and they're reserved for a period of three years.

- James Freyholtz, Traffic Engineer, Montana Department of Transportation
 - Indicated he has no comments or concerns.
- Joseph Page, Assistant Chief/Fire Marshal Whitefish Rural Fire District
 - Regarding mitigation of fire hazard, while mitigation has been performed (via thinning and clearing along roadways), it is an ongoing effort and the HOA should consider participating in the Firewise Community Program. Regarding the proposed 30,000 gallon tanker recharge facility, he recommends it be operational before construction of any individual home as construction phase has a higher fire risk than a completed structure. *Staff note: If the request related to the recharge facility is viewed favorably by the governing body, that subdivision improvement should be a condition of final plat and not be able to be bonded for in a potential SIA.
- John Vore, Wildlife Biologist, Montana Fish Wildlife and Parks
 - The subject property is comprised of excellent wildlife habitat which is currently unfragmented by housing development and it's located adjacent to a large block of undeveloped state land. The comment implies the subdivision design may impact big game winter range. Indicating new homes will be faced with a variety of wildlife conflicts, the comment provides 11 recommendations to help minimize adverse impacts to wildlife and wildlife habitat.
- Mark Deleray, Fisheries Biologist, Montana Fish Wildlife and Parks
 - Indicated he has no comments or concerns.
- Marc Pitman, Montana DNRC
 - Comment indicates the site is not located in a flood hazard area and there are currently no established water rights appurtenant to the subject property. Future owners would need to obtain a ground water certificate or a water right as applicable.
- 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.
- Anne Shaw Moran, Kalispell Unit Planner, Montana DNRC
 - Comment indicates DNRC's interest that the proposed subdivision not impact management and use of the adjacent state trust lands. The comment requests findings of fact and conditions of approval contain language to address and protect the right to silvicultural, rifle range, public trail, and other future state-approved uses on the state trust land.
- Ali Ulwelling, Kalispell Unit Fire Prevention Specialist, Montana DNRC
 - Comment recognizes the thinning and removal of fire fuels which has occurred to present and recommends the fuels reduction work be maintained and improved in the future. The DNRC supports the proposed 30,000 gallon tanker recharge facility, and recommends it be regularly maintained.

- Michael Collins, Trust Lands Program Manager, NWLO Montana DNRC
 - Comment has included telephone discussion and office visit with staff 8/21/13 and 8/22/13, and email correspondence. The comment raises concerns regarding legal access to the proposed subdivision through use of northern entrance gate of Whitefish Hills Drive (see discussion below in Section IV (F) of this report.

Pertinent agency considerations will be discussed as applicable in specific sections of the following local government review. Comments received subsequent to the date of this report will be verbally summarized at the public hearing on this proposal.

B. Public Comments

In accordance with Section 4.1.10, adjacent property notification was mailed to neighboring property owners within 150 feet of the proposed subdivision on August 19, 2013, legal notice was published in the Daily Interlake on August 25, 2013, and notice of the proposal and public hearing was physically posted onsite on August 14, 2013.

As of the date of the completion of this staff report, no written public comments have been received regarding the proposal, and any public comment received after August 28, 2013 will be summarized verbally and entered into the public record during the Planning Board hearing on September 11, 2013. Anyone wishing to provide verbal public comment may do so in person at the September 11, 2013 Planning Board hearing.

IV. LOCAL GOVERNMENT REVIEW

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 Section VIII of this report and in Chapter 2 of the Flathead County Development Code.

i. Impact on Agriculture

The subject property is not used for agricultural purposes but was previously owned by several different logging companies and was actively logged in the past. A portion of the site is adjacent to forested State Trust lands which have potential for future silvicultural uses to occur as indicated in the comment provided by Mt DNRC. The proposed subdivision is not anticipated to conflict with access to or use of adjacent state trust lands, however to prevent potential future conflicts between the state trust land and future lot owners, a statement should be placed on the plat alerting potential buyers of the possibility of nearby silvicultural activities and associated impacts.

Finding #1

The development's direct impact on agriculture would be minimal because the subject property is not currently used for agriculture and adjacent properties are not dependent upon the subject property for continued agricultural use, agricultural access, or for irrigation water.

Finding #2

The subject property abuts a large block of State Trust lands which may in the future be used for silvicultural purposes. Potential for conflict between adjacent State Trust lands and residential uses may be minimized with a statement placed on the final plat

making potential buyers aware of the possible adjacent silvicultural use and typical related impacts.

ii. Impact on Agricultural Water User Facilities

The subject property is not developed with irrigation infrastructure, is not in an irrigation district or party to any irrigation agreements, and serves no irrigation water to adjacent or neighboring properties

Finding #3

There would be no impact to agricultural water user facilities because the subject property is not irrigated for agricultural purposes, has no irrigation infrastructure on site, 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, and new wells and septic systems are proposed to serve the needs of the residential uses. It is anticipated that the proposed subdivision will introduce no impact to public water/wastewater services. Water and sewer services for the proposed subdivision would be required to be reviewed and approved as applicable by the Flathead County Environmental Health Department and the Montana Department of Environmental Quality.

2. Schools

The proposal is located in the Whitefish Elementary District and the Whitefish High School District. The Environmental Assessment indicates an average of 0.31 school-aged children per household has been used to determine the impacts to the school district anticipated as a result of development, based upon the number of students recorded in the Flathead school system and the total number of households in Flathead County. Using these calculations, an additional 15 school-aged children are anticipated as a result of the proposed development.

Although solicited, the Flathead County Superintendent of Schools has provided no comment. Buses currently provide service to area students, and it is anticipated that additional students may be served without introducing significant impacts to the school district. As it is unclear where the nearest existing school bus stop is located, the developer should be required to comply with reasonable school district requests regarding establishment of a bus stop adjacent to the subdivision, presumably along KM Ranch Road or Stelle Lane.

3. Mail Delivery

The applicant is proposing a centralized mailbox to serve the 49 lots proposed through subdivision. The location of the centralized mail facility serving the proposed subdivision shall require review and written approval from the local postmaster as a condition of final plat approval.

4. Recreation

As all lots equal or exceed 10 acres in size, the proposed subdivision is not subject to 'parkland' requirements. The proposal is located in an area with ample

opportunities for a wide range of recreation, and a pedestrian/equestrian path would run along the internal roads as shown on the preliminary plat. Comment from the DNRC recognizes existing and future recreational uses of adjacent state trust lands including hunting, a rifle range, a public trail system, and potential uses by future lessees. In order to prevent potential future conflicts between the state trust land and future lot owners, the DNRC requests a statement be placed on the plat alerting future lot owners of the adjacent rifle range and public trail uses and their associated impacts.

5. **Roads**

As shown on the preliminary plat and described in submitted documents, primary access for the Lots within the subdivision would be from proposed private Whitefish Ranch Road, Forest Loop, and Forest Court via public KM Ranch Road and Stelle Lane, both County maintained roads. Whitefish Ranch Road would be established to connect from KM Ranch Road to existing Whitefish Hills Drive, at which point traffic could access either Stelle Lane to the southeast or Highway 93 to the north. The proposed roads would be private and gated, and designed and constructed in compliance with currently applicable Flathead County Road and Bridge Department standards for sub-grade structure, width, and paving. As with other gated subdivisions with privately maintained roads, service providers should be provided access codes to the electronic entrance gates and the gates should be equipped with 'chirp' opening capability for emergency providers. The application includes draft CC&R's which address long-term maintenance of the private roads, specifically establishing maintenance as a responsibility of the Whitefish Hills Forest Homeowners Association and Whitefish Hills Homeowners Association for shared amenities through their described relationship (Article X) including but not limited to roads and entry gates.

With 49 proposed residential lots and associated traffic, the preliminary plat application includes a Traffic Impact Study (TIS) which has evaluated impacts of the anticipated traffic generated by the subdivision on safety and traffic volumes of pertinent roads and intersections in the vicinity of the proposal. The TIS, generated for the previously reviewed and approved preliminary plat (now expired), found that 65% of the subdivision traffic would use then unpaved Stelle Lane and 35% of the traffic would use partial paved/partial gravel KM Ranch Road, and the TIS indicated the anticipated subdivision traffic would not result in adverse impacts to key area intersections. The 'Direct Impact Formula' contained in the Flathead County Subdivision Regulations effective at the time of the prior review indicated certain potential paving requirements for Stelle Lane and KM Ranch Road, and the Board of Commissioners determined the actual offsite paving required upon the previous preliminary plat approval (FPP-09-01) in order to mitigate impacts to the then unpaved area roads attributable to the proposed subdivision.

The current preliminary plat has the same number of lots and configuration as the previously reviewed, approved, and expired preliminary plat, and attributable traffic impacts are reasonably presumed to be the same as when the original review occurred. Since the previous preliminary plat approval on May 21, 2009,

the applicant has completed the required offsite paving attributed to the impacts from traffic generated by the lots of the proposed subdivision which has entailed paving of KM Ranch Road along the south perimeter of Whitefish Hills Forest Phase 1 (@ 0.30 miles - complete) and paving of Stelle Lane from Highway 93 to the intersection of Big Ravine Road abutting the paved entrance to Whitefish Hills subdivision (@ 1.4 miles - complete). Adverse impacts to area roads attributable to the proposed subdivision appear to have been adequately mitigated considering the similarity between the prior and current preliminary plat and the offsite paving which has been completed in order to comply with the pertinent condition of the prior preliminary plat approval.

Written comments submitted from the Flathead County Road and Bridge Department and the Montana Department of Transportation indicate no concern with the proposal.

6. **Fire/Emergency Medical Services**

The subject property is located within the service area of the Whitefish Rural Fire District and the West Valley Fire District. In addition to the main Whitefish Fire Station located off Highway 93 on the south end of Whitefish, area fire stations with Basic Life Support services are located approximately 5 driving miles east of the subdivision on Whitefish Stage Road and approximately 7 driving miles southwest of the subdivision on Farm To Market Road, and the Kalispell Regional Medical Center is approximately ten miles from the proposed subdivision. As the internal private roads are gated, it is imperative that emergency service providers have the capability for unhindered access through the three electronic gates. As codes are subject to change, it seems appropriate that each electronic gate be able to be siren 'chirp' activated for access by emergency service providers.

With the site being situated within two separate fire districts, two of the lots (20 and 24) are split by district boundaries which could cause confusion over who is to respond to an emergency as well as problematic taxation or billing issues. As Section 4.7.5(g) FCSR states no proposed lot shall be bisected by a school district or other taxing district, the issue should be resolved before final plat. There appear to be a few possible solutions; the lots could be reconfigured or there could be an arrangement between the two districts to either clarify which district will consistently provide service or modify fire district boundaries.

There is a proposed 30,000 gallon tanker recharge facility to provide water for fire suppression, and though not shown on the preliminary plat, discussion with the applicant has clarified this facility would be situated near the southern entrance gate on Whitefish Ranch Road off of KM Ranch Road. Agency comments from the Whitefish Rural Fire District and the DNRC support the facility being required as a subdivision improvement due to the forested nature of the subject property and its rural location, and the comments recommend requiring a mechanism to ensure the facility is regularly maintained. A condition requiring the CC&R's to be amended to state the Whitefish Hills Forest Homeowners Association is responsible for regular maintenance of the tanker recharge facility

would assist in ensuring the facility is capable of performing its intended function into the future.

Based on Section 4.7.26(b)&(d), the applicant should be required to satisfy reasonable conditions for fire suppression and emergency vehicle access as recommended by the Fire Department if required by the Board of County Commissioners.

7. **Police Services**

The property is located in an unincorporated area of Flathead County and is therefore served by the Flathead County Sheriff. Although solicited, the Sheriff's Department has provided no comment. Given existing staffing levels, the size of the County and the dispersed nature of the population, service to this subdivision is anticipated to be consistent with other unincorporated rural areas of Flathead County and delayed response times may be experienced.

8. **Solid Waste Disposal**

The applicant is proposing contract haul as a mechanism for solid waste disposal. The standard request from the Flathead County Solid Waste District supports the proposed method of waste disposal as the District requests that all new subdivisions in Flathead County use a contract hauler to bring solid waste to the landfill.

9. **Other Utilities**

Electric utilities which are not already installed will be placed underground within the existing and proposed utility easements to serve the lots within the subdivision. As stated in the application, Flathead Electric will provide electrical power and CenturyTel will provide telephone service.

Finding #4

The proposal to establish individual wells and septic systems to serve all lots of the subdivision appears acceptable because submitted application materials and agency comments indicate no environmental constraints to those systems and the systems 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 their installation and operation.

Finding #5

Adverse impacts related to recreation are not anticipated as a result of the proposed subdivision because of the relatively large 10 acre lot sizes, proximity to recreational opportunities, and a pedestrian/equestrian trail planned for the subdivision.

Finding #6

There is a potential for conflict between recreational uses on adjacent State Trust lands and residential uses because of the impacts from the rifle range, public trail system, and potential uses by future lessees. The potential for conflicts can be partly mitigated with a statement placed on the final plat alerting owners to the presence of the recreational uses in order to make potential buyers and future owners aware of the possible impacts.

Finding #7

The proposed internal road network appears reasonable because the paved internal subdivision roads would be designed and constructed to comply with the standards outlined in Section 4.7.16 of the Flathead County Subdivision Regulations and the Flathead County Road and Bridge Department's *Minimum Standards For Design and Construction*.

Finding #8

The current proposed preliminary plat review is a re-review of a preliminary plat which was previously reviewed, conditionally approved, and expired (FPP-09-01 Whitefish Hills Forest Phases 2-5). Anticipated impacts to area roads from traffic generated by the current proposed subdivision is considered to be equivalent to traffic impacts attributed to the previously reviewed preliminary plat because the preliminary plat contains the same number of lots with the same configuration, primary access would be provided from KM Ranch Road and Stelle Lane in the same manner as the prior preliminary plat, and the character of the subdivision vicinity has not substantially changed in terms of additional development since the review and approval of the prior preliminary plat.

Finding #9

The anticipated impact of traffic generated by the proposed subdivision on existing area roads and intersections appears minimal and acceptable because the developer has mitigated impacts through offsite paving of Stelle Lane and a portion of KM Ranch Road as previously required by the Board of Commissioners, and the submitted Traffic Impact Study recommends no additional improvements to the existing transportation network as it identified no adverse impact to area road intersections attributable to the proposed subdivision.

Finding #10

The subject property is situated within two separate fire districts and two of the lots (20 and 24) are split by district boundaries which could cause confusion over which district is to respond to an emergency as well as problematic taxation or billing issues.

Finding #11

The proposal would adversely impact services of emergency service providers if access through electronic entrance gates to the internal subdivision roads was hindered and if the proposed 30,000 gallon tanker recharge facility was not regularly maintained to ensure proper function into the future.

Finding #12

The proposal would not adversely impact services of emergency service providers if entrance gates at the KM Ranch Road, Stelle Lane, and Whitefish Hills Drive entrances were able to be siren 'chirp' and the proposed 30,000 gallon tanker recharge facility was regularly maintained because the location is in relatively close proximity to fire stations and emergency service providers would have adequate access from multiple directions.

Finding #13

Effects of the proposed subdivision on local services would be minimal with imposed conditions because necessary utilities are currently available to the property within access and utility easements, emergency service providers would have adequate access to the subdivision, the area is served by schools which appear to have adequate capacity to accommodate additional students from the subdivision, and a compliant mechanism for long-term maintenance of roads and fire suppression infrastructure is capable of being established through the CC&R's of the subdivision.

Finding #14

Impact to the other criteria discussed relative to 'impact on local services' would be minimal and acceptable with the imposition of conditions because the subject property and the primary accesses have no apparent physical constraints which cannot be adequately addressed through conditions of approval.

iv. Impact on the Natural Environment**1. Water Quality**

While there are no other surface waters on the subject property there are a few small depression wetland areas which have been delineated and shown on the preliminary plat. With the exception of the wetlands occurring on proposed Lots 11, 12, and 13 the application indicates no shallow groundwater is present within the subdivision boundaries. Wastewater would be managed with new septic/drainfield systems for each lot, and stormwater runoff from each lot and roads would be managed through evaporation and absorption into the ground via retention basins located down-grade from each future residence and also within roadside swales. According to application materials, the proposed building and drainfield sites for each lot would be located in suitable areas on each lot and away from the wetlands limited to Lots 11, 12, and 13. The soils are well drained and suitable for septic/drainfield systems. Prior to final plat approval overall suitability regarding the sewage treatment system, water supply and storm drainage would be determined through review by the Environmental Health Department and the Subdivision Section of the Department of Environmental Quality for compliance with the Sanitation in Subdivisions Act.

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 all lots abide by the guidelines set forth in the plan during and after site construction and development activities.

3. Impact of Noise

Development of residences on the subdivision lots would likely generate minimal noise during construction, and it is not likely that all would be built simultaneously. The proposed residential use is not anticipated to generate permanent continuous impacting noise to area residents or wildlife.

Recognizing regular substantial noise generated from the long-term permitted rifle range existing on the adjacent State Trust lands, DNRC requests a statement be placed on the plat alerting future lot owners of the adjacent rifle range and its associated noise impacts in order to prevent potential future conflicts between the future lot owners and the rifle range.

4. **Impact to Flora**

While the majority of the property is covered with fir/spruce forest, the area encompassed by Lots 11, 12, and 13 contain delineated wetland areas. Impact to flora has occurred due to construction of internal roads, particularly with substantial road cuts between Lots 4 and 40 and Lots 25 and 26 where Whitefish Ranch Road traverses steep slopes. The steep exposed sides of the road-cuts could further impact flora if the exposed soils are allowed to erode without mitigation. Pursuant to Section 4.7.13 (g) FCSR all areas disturbed during development shall be re-vegetated. With the exception of vegetation impacted by road development activities, impact to flora is anticipated to be minimal and limited to the necessary clearing for building sites and driveways. To minimize propagation of noxious weeds resulting from land disturbance the developer would be required to establish and follow an approved Soil Disturbance and Weed Management Plan prior to final plat pursuant to Section 4.7.25 FCSR, and the plan should specifically address areas impacted by road development activities.

5. **Impact to Floodplain**

According to FIRM Panels 1385G and 1405G, the subject property is not located in a special flood hazard area and is outside of the 0.2% annual chance flood area.

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

The subject property contains a few non-jurisdictional depression wetland areas as shown on the preliminary plat and described in the submitted environmental assessment and wetland delineation report. While a very small wetland area in the road area of Lot 3 will be permanently converted to road, the proposed subdivision is not anticipated to impact the 5.10 acres of wetlands located on Lots 11, 12, and 13 because the wetlands would be demarcated as 'no-build zone' on the final plat and each lot has suitable buildable areas located away from the wetlands.

7. **Impact to Historical Features**

The Environmental Assessment indicates there are no known historic, archeological, or cultural sites on the subject property. Submitted comment from Montana Historical Society indicates no record of historical structures located on the subject property.

Finding #15

Adverse impacts to water quality as a result of the subdivision are not anticipated because there is no indication of shallow groundwater at the location of the proposed primary and replacement drainfields, there are no surface waters on the subject property and stormwater management would prevent direct discharge of stormwater from entering delineated wetlands, and the water supply, wastewater treatment, and stormwater management would be required to meet applicable requirements of the

Flathead County Environmental Health Department and the Montana department of Environmental Quality.

Finding #16

There is a potential for conflict between the rifle range located on adjacent State Trust lands and the proposed residential uses because of the impacts from noise. The potential for conflicts can be partly mitigated with a statement placed on the final plat alerting owners to the presence of the rifle range in order to make potential buyers and future owners aware of the possible impacts from noise.

Finding #17

Minimal impacts to flora are anticipated because no plant species of concern have been identified as being present on the subject property, disturbance would be primarily limited to areas impacted from road development, disturbed road margins and cut and fill areas are required to be re-vegetated, and completion and adherence to a weed control plan would be a condition of preliminary plat approval.

Finding #18

There is no anticipated impact to floodplain because the subject property is not located in a special flood hazard area and is outside of the 0.2% annual chance flood area.

Finding #19

Minimal impacts to wetlands are anticipated because the wetland within the subdivision are non-jurisdictional and the delineated wetland areas on Lots 11, 12, and 13 would be shown as ‘no-build zone’ on the final plat and would not be physically disturbed by development activities.

Finding #20

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 re-vegetate disturbed areas and 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

Given the rural location and heavily forested nature of the subject property, some level of impact to wildlife can be expected as a result of the proposed subdivision. Based upon information provided in the Environmental Assessment and voiced in agency comments made by Montana Fish, Wildlife and Parks (MTFWP), the area of the County in which the subdivision is located is year-round white-tailed deer habitat as well as important winter range; there are also black bears, mountain lions, an occasional grizzly bear and other species such as migratory waterfowl and other bird types that have habitat or range in the general area and may utilize the subject property. The Montana Natural Heritage Species of Concern Program indicates two species of concern, the bull trout and gray wolf, are present in the general area of the proposed subdivision. Bull trout populations occur in the Stillwater River which runs approximately 1.5 miles west of KM Ranch Road and the subject property. Since

there are no tributaries or surface waters connected to the Stillwater found on the subject property, it is unlikely the bull trout will be impacted as a result of the proposed subdivision. Additionally, comment submitted by a MTFWP Fisheries Biologist indicates no concern regarding the proposal.

Any type and scale of development can be expected to have an impact on wildlife in some way, particularly when it is a development of this size, located in an unfragmented densely forested area of the County. The presence of humans and their daily activities including the keeping of domestic pets has a direct impact on wildlife, as noted in the comment provided by MTFWP. Discussion within the Environmental Assessment suggests the 10 acre minimum lot size would ensure wildlife have the capability to continue to use the area and travel amongst the lots of the subdivision. Ensuring the future lots owners are aware of their surroundings and the presence of wildlife in and around the subject property would help to mitigate potential conflicts, and could be addressed by adding a statement to the face of the final plat as well as including mitigation measures in the subdivision CC&R's, the draft of which currently contains no provision regarding living responsibly among wildlife.

Finding #21

Impacts to wildlife are anticipated due to the scale of the proposed subdivision which would be developed within a large unfragmented rural forested area occupied by populations of a variety of game and non-game species of animals.

Finding #22

Impacts to wildlife may be minimized to an acceptable level if future property owners were made aware of the presence of wildlife and potential conflicts by adding a statement to the face of the final plat and requiring specific mitigation measures as recommended by MTFWP to be included in a wildlife-specific section in Article V of the CC&R's of the subdivision prior to final plat.

vi. Impact on Wildlife Habitat

As previously described, the subject property is characterized as an undeveloped forested area abutting a larger block of forested state trust lands which together present a substantial unfragmented area providing quality general habitat for a large number of animal species and specifically providing quality winter habitat for whitetail deer and other large game species. In addition to the forested habitat, the subject property contains approximately 5 acres of wetlands which provide seasonal habitat for certain wildlife.

As indicated on the preliminary plat the proposed subdivision includes lots and roads throughout the development, and habitat areas within the development would be maintained within the relatively large 10-20 acre lots. Although each lot is anticipated to be developed with a single residence, it is presumed there would be substantial area on each lot which would remain relatively undisturbed which would continue to provide habitat resources for area wildlife. The wetland areas are proposed to be shown as 'no-build' zones on the final plat which would serve to maintain the habitat they provide.

Finding #23

Impacts to wildlife habitat as a result of the proposed subdivision are anticipated because there would be forty nine residential lots established throughout the currently undeveloped subject property which provides general habitat to many documented species of animals and winter habitat to large game animals, effectively removing habitat or at least altering the quality of the habitat from its current state with the incursion of things such as roads, homes, people, pets, livestock, and refuse.

Finding #24

Impacts to wildlife habitat may be minimized to an acceptable level if development is prohibited upon wetland areas and by informing future property owners about the value of wildlife habitat within the subdivision by requiring the CC&R's for the subdivision to address preservation of wildlife habitat by incorporating the recommendations of MTFWP into a wildlife-specific section in Article V of the CC&R's of the subdivision prior to final plat.

vii. Impact on Public Health and Safety

1. Flood Risk

The subject property has no streams or other surface waters, and according to FEMA FIRM Panels 1385G and 1405G, the subject property is not located in a special flood hazard area and is outside of the 0.2% annual chance flood area. Therefore the proposal would not introduce adverse impacts to public health and safety in regard to flooding.

2. Water and Wastewater Treatment

Existing public water and sewer services are not available for the proposed subdivision, and all lots are proposed to use an individual septic system and new individual wells. Submitted material indicates the subdivision would be non-significant in regard to non-degradation considerations and the application includes a copy of DEQ Certificate of Subdivision Approval (COSA) #10-1001 which was approved subsequent to the prior preliminary plat approval (FPP-09-01 Whitefish Hills Forest Phases 2-5). As with all subdivisions, details of overall suitability regarding the sewage treatment system, water supply and storm drainage are subject to review as applicable 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

The submitted application includes a plan for the management of stormwater which calls for directing stormwater into retention basins to be installed on each lot and into roadside swales where it may be absorbed within soil thus preventing stormwater impacts adjoining properties or roads. The proposed stormwater management plan has been reviewed and approved by the Flathead County Environmental Health Department and the Montana Department of Environmental Quality, as indicated on COSA #10-1001. As there would be more than one acre of ground cumulatively disturbed through the installation of subdivision improvements it is anticipated the developer will be required to obtain

a General Permit for Stormwater Discharges Associated with Construction Activity (SWPP) issued by the MDEQ. An August 14, 2013 email from the technical representative states a SWPP has already been obtained for the project.

4. **Road Network**

As discussed above, primary access for the Lots within the subdivision would be from proposed private Whitefish Ranch Road, Forest Loop, and Forest Court via public KM Ranch Road and Stelle Lane, which are both County maintained roads. Whitefish Ranch Road would be established to connect from KM Ranch Road to existing Whitefish Hills Drive, at which point traffic could access either Stelle Lane to the southeast or Highway 93 to the north. The proposed roads would be private and gated, and designed and constructed and paved in compliance with currently applicable Flathead County Road and Bridge Department standards for sub-grade structure, width, and paving. Copies of the Preliminary Plat application, Environmental Assessment, and TIS were provided to Dave Prunty of the Flathead County Road and Bridge Department and James Freyholtz of Montana Department of Transportation, and comment from each indicates no concerns which suggests the proposal is acceptable in regard to the capability of the road network to safely accommodate the new traffic of the proposed subdivision in addition to traffic already using the area roads.

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

There are no exposed high voltage electric lines or high pressure gas lines on the subject property. Comment submitted by Bonneville Power Administration (BPA) indicates the proposal will not impact any BPA transmission line corridors, and BPA has no objections to the approval of the requests.

6. **Fire and Emergency Services**

The proposed subdivision is located within the jurisdictions of the Whitefish Rural Fire District and the West Valley Fire District and would be served by the Districts and the Flathead County Sheriff's Department in the event of an emergency. The property is located within a forested area identified as Wildland Urban Interface, and the application includes a *Fire Prevention, Control, and Fuels Reduction Plan* which appears compliant with requirements outlined in FCSR 4.7.27(b). The plan identifies the property is currently heavily forested primarily with coniferous trees, and the plan map indicates a timeline history of prescribed thinning in different areas of the subdivision and indicates a timeline for performing future prescribed thinning of the subject property.

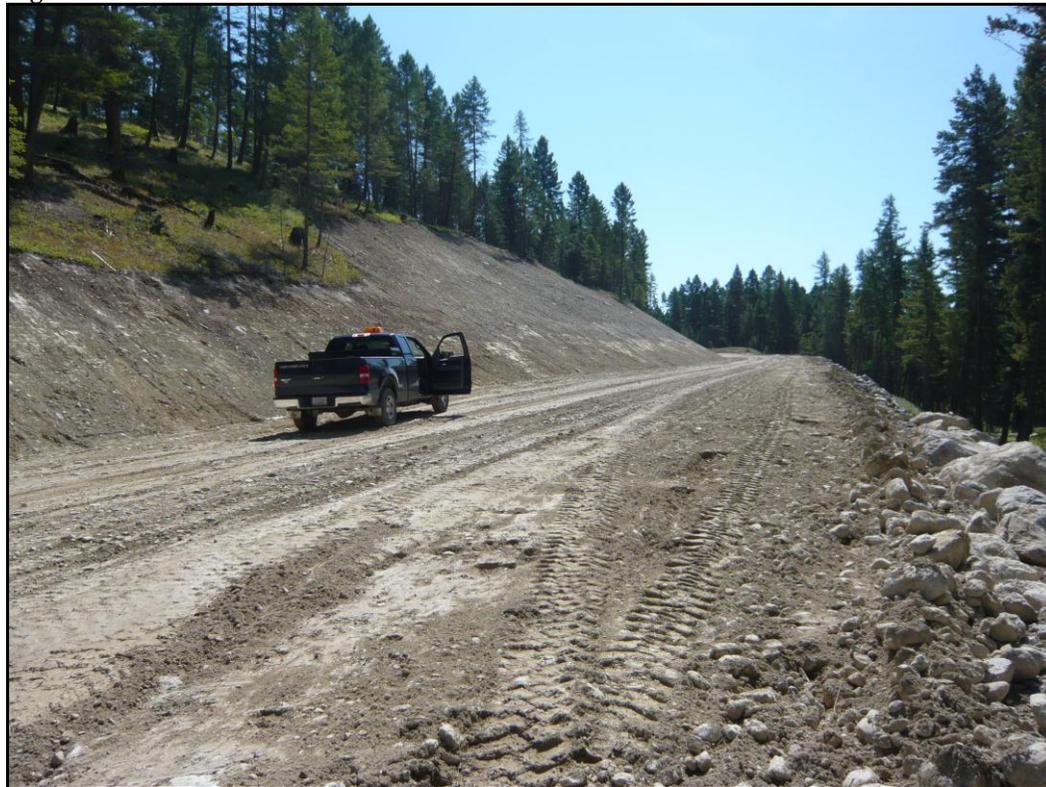
Additionally the subdivision is planned to be equipped with a 30,000 gallon tanker recharge facility to aid in fire suppression. Comment from the Whitefish Rural Fire Department addresses the recharge facility and recommends it is operational before construction of any individual home as construction phase has a higher fire risk than a completed structure. Because of the extent of heavy forestation on and adjacent to the subject property and the comments received regarding fire risk, it appears reasonable to require the tanker recharge facility to be installed prior to final plat approval of Phase 1, and to specify it may not be submitted as a component of an SIA because its completion is necessary to protect public health and safety.

Comments from both DNRC the Whitefish Rural Fire Department reckon with the challenges of effectively reducing fire fuels over a large acreage development due to re-growth of vegetation, and the comments recommend continued ongoing thinning of forested areas in accordance with generally accepted 'firewise' principals. As seen upon the staff site visit, substantial effort has been made to date to clear roads and thin certain areas, and it is apparent that there is much more that could be done. It will be important for future owners to diligently maintain fuels reduction practices upon their properties and it is noted that the draft CC&R's contain language requiring and encouraging defensible space and other fire standards. In order to comply with FCSR Section 4.7.27, notes A through D of FCSR Section 4.7.27(a)(ii) should be required to be placed on the face of the Final Plat. It is anticipated the public health and safety risk as a result of wildfire could be relatively low for the proposed subdivision as the subdivision has good access, will have a tanker recharge facility, has undergone initial thinning and will undergo further fuels reduction, and is located relatively close to emergency service provider stations.

7. **Geologic Hazards**

The subdivision has rolling terrain with a relatively steep ridge situated along the western subdivision boundary. As indicated on the preliminary plat, the proposed building sites and driveways for each lot are situated upon relatively flat areas on each lot. In certain locations internal roads traverse steep slopes resulting in road cuts exposing the underlying soil and rock strata. While the submitted application indicates no unstable soils or significant geologic hazards present on the subject property, the exposed road cut and fill areas (see figure 4) appear to have the potential for substantial erosion unless mitigation measure are taken to stabilize the slopes with ongoing best management practices including re-vegetation where possible.

Figure 4 - Substantial road cut and fill area on Whitefish Ranch Road



8. Avalanche Hazards

In general the subdivision is not located in an area of the county considered being 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

The subject property is not mapped on any fault lines according to data on geologic faults prepared and maintained by the Flathead County GIS Department. As indicated by the application materials and supporting documentation, soils appear generally comprised of cobbly silt loams (Wt) with slopes of 12-20%, gravelly silt loams (Wv) with slopes of 0-7% and Radnor silt loams with slopes of 0-3%. The cobbly and gravelly loams appear to indicate areas of gently rolling to slightly steep terrain, but are typically well-drained. It is anticipated soils onsite would not pose a risk to public health and safety. Building sites are proposed in areas less than 40% grade with no shallow groundwater or shallow bedrock.

Finding #25

The proposal would not introduce adverse impacts to public health and safety in regard to flooding because the subject property has no streams or other surface waters, and according to FEMA FIRM Panels 1385G and 1405G, the subject property is located outside of the 0.2% annual chance flood area.

Finding #26

Impacts of the proposed subdivision on the area road network appear to be acceptable because the submitted Traffic Impact Study indicates no offsite improvements to area intersections are called for and the developer has already paved offsite roads to adequately offset impacts attributable to the subdivision, and comments from the Flathead County Road and Bridge Department and the Montana Department of Transportation indicate no concerns with the proposal which suggests it's acceptable in regard to the capability of the road network to safely accommodate the new traffic of the proposed subdivision in addition to traffic already using the area roads.

Finding #27

The proposed 30,000 gallon tanker recharge facility should not be allowed to be submitted as a component of an SIA and should be installed prior to final plat approval of Phase 1 because its completion is necessary to protect public health and safety considering the extent of heavy forestation on and adjacent to the subject property and the agency comments received regarding fire risk and safety.

Finding #28

While the proposal location is within area mapped as Wildland Urban Interface, the effects of this proposed subdivision on public health and safety appear to be acceptable with the imposition of conditions regarding implementation of the 'Fire Prevention, Control, and Fuels Reduction Plan' because adequate physical and legal access to the site is currently provided, adequate emergency services are available, the subdivision would be equipped with a 30,000 gallon tanker recharge facility and there has been and would continue be substantial 'firewise' thinning throughout the subdivision.

Finding #29

Minimal risks to public health and safety are anticipated with the imposition of conditions because the site is not located in a special flood hazard area; the proposal for water, sanitation, and stormwater has been reviewed and approved prior to installation of the proposed new facilities; each lot has adequate legal and physical access; there are no high voltage electric or high pressure gas lines on or around the subject property, and; there are no identified apparent hazards associated with avalanche, or airport influence areas.

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

Finding #30

The preliminary plat would conform to all provisions of the Montana Subdivision and Platting Act if it contains all elements required to meet state survey requirements, which would 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 #31

No variances are requested or required. A four-phase phasing plan has been proposed. 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 appear able to be adequately addressed by conditions.

D. Compliance with the Flathead County Subdivision Review Procedure

i. Pre-application Conference Date

June 10, 2013

ii. Application Deadline Date

December 10, 2013 (application submitted July 1, 2013)

iii. Completeness Date

July 9, 2013

iv. Sufficiency Date

July 29, 2013

v. Agency Referral Requests Mailing Date

August 8, 2013

vi. Adjacent Property Notification Mailing Date

August 19, 2013

vii. Legal Notice Publication Date

August 25, 2013

viii. On-site Posting of Public Hearing Date

August 14, 2013

Finding #32

The proposal has been reviewed as a major subdivision in accordance with statutory criteria and standards outlined in Section 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 #33

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

Michael Collins, Trust Lands Program Manager for the Northwest Land Office of the Montana DNRC has raised concerns regarding legal access to the proposed subdivision through use of Whitefish Hills Drive's northern gate across an easement situated upon state trust lands. Specifically, an easement agreement concerning a portion of state trust land crossed by the northern segment of Whitefish Hills Drive is of concern because it has not been perfected for the number of lot owners currently using the easement and the additional use of the easement by the lot owners of the current proposed subdivision would further overburden the easement.

Apparently the road was permitted to be built across state lands on the condition there would be a suitable easement agreement established between the Whitefish Hills HOA and the Mt DNRC, and use of the easement is intended to require fair compensation relative to the number of users. DNRC concerns with this proposal stem from the fact

the easement is currently ‘overburdened’ and additional use by the future 49 lot owners of the Whitefish Hills Forest Phases 2-5 would further exacerbate the issue. DNRC requests the easement be amended to reflect current actual use and the use resulting from the additional trips driven by the future lot owners of the proposed subdivision.

Upon consideration of Mr. Collins’s assertions it has been found Article X of the draft CC&R’s for Whitefish Hills Forest Phase 2-5 contains language specifically permitting use of all roads and entrance gates of both Whitefish Hills Subdivision and Whitefish Hills Forest Phase 2-5 by owners within each subdivision. Although primary access is proposed from KM Ranch Road and Stelle Lane, it would be logical for lot owners to regularly use Whitefish Hills Drive en route to Whitefish as it is the most direct route. Therefore it appears the current proposal is inadequate in regard to ‘legal access’ based on information provided by MT DNRC and language contained in the draft CC&R’s submitted with the preliminary plat application. It appears reasonable to conclude that unless the easement in question is perfected to accommodate the actual number of current users and the 49 future lot owners of lots of the proposed subdivision there would be further overburdening of the easement relative to the number of permitted users and limited compensation which has been paid to present for use of the easement.

Finding #34

Regarding legal and physical access, KM Ranch Road and Stelle Lane are the primary access to the proposed subdivision because they are public roads providing legal and physical access from Highway 93 to the private internal subdivision roads, where gated entrances are situated at Whitefish Ranch Road off KM Ranch Road and at Whitefish Hills Drive off Stelle Lane.

Finding #35

Agency comment submitted by Michael Collins, Trust Lands Program Manager for the Northwest Land Office of the Montana DNRC has raised concerns regarding legal access to the proposed subdivision through use of Whitefish Hills Drive’s northern gate across an easement situated upon state trust lands. The submitted information indicates use of the easement has not been perfected for the number of current users and the additional use of the easement by the lot owners of the proposed subdivision would further overburden the easement. Upon review of Article X of the submitted draft CC&R’s, the future lot owners of the proposed subdivision would specifically have use of Whitefish Hills Drive in its entirety as well as the north entrance gate, resulting in inadvertent non-legal use of the currently imperfect easement in the event they use the road to travel between Whitefish and their lots within the proposed subdivision. This matter could be reasonably remedied by imposing a condition requiring evidence the matter has been satisfactorily resolved by the parties involved prior to final plat.

G. Review of Applicable Plans

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 subdivision is located within an area of the County guided by the Whitefish City/County Master Plan 2020. The plan was adopted by the Flathead County Commissioners on February 6, 1996 by Resolution #677-G; it was later incorporated into the Flathead County Growth Policy as a recognized neighborhood plan document serving this area of the County. The Designated Land Use Map adopted as part of the plan document designates appropriate land use on the subject property as “Limited Rural Residential”, and described as generally supporting residential densities of two units per gross acre which are located on the city’s urbanizing fringe; characterized by rural residential uses or by scattered farming, grazing or timber lands; intended to provide lands for limited development which avoids inefficient and inadequate provisions of public services and infrastructure and densities incompatible with the surrounding area; and avoiding the extension of water or sewer utilities to prevent premature development (Whitefish City/County Master Plan 2020; Chapter II, Section 8).

While the proposed subdivision is not situated in an area staff would perceive as the “city’s urbanizing fringe”, the proposed density is 1 unit per 10.69 acres, and therefore the proposed development appears to meet the intent of the plan’s vague criteria for a limited rural residential area. Further, the subject property was zoned by the County as “SAG-10 Suburban Agricultural”, a designation that would arguably be compliant with the plan, and the proposed subdivision, adheres to the ten acre minimum lot size requirement set forth by the zoning regulations. In the event there is question regarding the intent of the neighborhood plan in relation to the density of the proposed subdivision, it is perceived by staff that zoning established at the time of development takes precedence over the density provisions of a neighborhood planning document due to the fact that the applicable zoning is regulatory, whereas neighborhood plans and/or growth policy documents are not.

ii. Flathead County Growth Policy

In addition to the Whitefish City/County Master Plan Map 2020, the subject property is also under the jurisdiction of the Flathead County Growth Policy. The Growth Policy, adopted on October 12, 2012, is a general policy document meeting the requirements of 76-1-601 M.C.A. The Growth Policy Designated Land Use Map designates the subject property as ‘Suburban Agricultural Land Use’. Regulations adopted by Flathead County used in the review of subdivisions are an implementation of the goals and policies established in the Growth Policy, and the proposal is made in compliance with related provisions of the SAG-10 Suburban Agricultural designation as outlined in the Flathead County Zoning Regulations which are an implementation of the goals and policies of the Growth Policy. This proposal conforms to the regulations used in the review of subdivision in Flathead County and is therefore in general compliance with the Flathead County Growth Policy.

H. Compliance with Local Zoning

Located within the Blanchard Lake Zoning District, the subject property is currently zoned ‘SAG-10 Suburban Agricultural’. In terms of density, anticipated use, and applicable bulk and dimensional requirements, the proposed subdivision and its lots would comply with the applicable SAG-10 zoning designation.

Finding #36

The proposed subdivision is located in an area of Flathead County zoned ‘SAG-10 Suburban Agricultural’, and the preliminary plat complies with local zoning because the subdivision is intended for single family residential use and the plat identifies a buildable area that may be developed in compliance with applicable bulk and dimensional requirements of the SAG-10 district.

V. SUMMARY OF FINDINGS

1. The development’s direct impact on agriculture would be minimal because the subject property is not currently used for agriculture and adjacent properties are not dependent upon the subject property for continued agricultural use, agricultural access, or for irrigation water.
2. The subject property abuts a large block of State Trust lands which may in the future be used for silvicultural purposes. Potential for conflict between adjacent State Trust lands and residential uses may be minimized with a statement placed on the final plat making potential buyers aware of the possible adjacent silvicultural use and typical related impacts.
3. There would be no impact to agricultural water user facilities because the subject property is not irrigated for agricultural purposes, has no irrigation infrastructure on site, is not in an irrigation district, and is not party to any irrigation agreements.
4. The proposal to establish individual wells and septic systems to serve all lots of the subdivision appears acceptable because submitted application materials and agency comments indicate no environmental constraints to those systems and the systems 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 their installation and operation.
5. Adverse impacts related to recreation are not anticipated as a result of the proposed subdivision because of the relatively large 10 acre lot sizes, proximity to recreational opportunities, and a pedestrian/equestrian trail planned for the subdivision.
6. There is a potential for conflict between recreational uses on adjacent State Trust lands and residential uses because of the impacts from the rifle range, public trail system, and potential uses by future lessees. The potential for conflicts can be partly mitigated with a statement placed on the final plat alerting owners to the presence of the recreational uses in order to make potential buyers and future owners aware of the possible impacts.
7. The proposed internal road network appears reasonable because the paved internal subdivision roads would be designed and constructed to comply with the standards

outlined in Section 4.7.16 of the Flathead County Subdivision Regulations and the Flathead County Road and Bridge Department's *Minimum Standards For Design and Construction*.

8. The current proposed preliminary plat review is a re-review of a preliminary plat which was previously reviewed, conditionally approved, and expired (FPP-09-01 Whitefish Hills Forest Phases 2-5). Anticipated impacts to area roads from traffic generated by the current proposed subdivision is considered to be equivalent to traffic impacts attributed to the previously reviewed preliminary plat because the preliminary plat contains the same number of lots with the same configuration, primary access would be provided from KM Ranch Road and Stelle Lane in the same manner as the prior preliminary plat, and the character of the subdivision vicinity has not substantially changed in terms of additional development since the review and approval of the prior preliminary plat
9. The anticipated impact of traffic generated by the proposed subdivision on existing area roads and intersections appears minimal and acceptable because the developer has mitigated impacts through offsite paving of Stelle Lane and a portion of KM Ranch Road as previously required by the Board of Commissioners, and the submitted Traffic Impact Study recommends no additional improvements to the existing transportation network as it identified no adverse impact to area road intersections attributable to the proposed subdivision.
10. The subject property is situated within two separate fire districts and two of the lots (20 and 24) are split by district boundaries which could cause confusion over which district is to respond to an emergency as well as problematic taxation or billing issues
11. 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 re-vegetate disturbed areas and 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.
12. The proposal would not adversely impact services of emergency service providers if entrance gates at the KM Ranch Road, Stelle Lane, and Whitefish Hills Drive entrances were able to be siren 'chirp' and the proposed 30,000 gallon tanker recharge facility was regularly maintained because the location is in relatively close proximity to fire stations and emergency service providers would have adequate access from multiple directions.
13. Effects of the proposed subdivision on local services would be minimal with imposed conditions because necessary utilities are currently available to the property within access and utility easements, emergency service providers would have adequate access to the subdivision, the area is served by schools which appear to have adequate capacity to accommodate additional students from the subdivision, and a compliant mechanism for long-term maintenance of roads and fire suppression infrastructure is capable of being established through the CC&R's of the subdivision.
14. Impact to the other criteria discussed relative to 'impact on local services' would be minimal and acceptable with the imposition of conditions because the subject property

and the primary accesses have no apparent physical constraints which cannot be adequately addressed through conditions of approval.

15. Adverse impacts to water quality as a result of the subdivision are not anticipated because there is no indication of shallow groundwater at the location of the proposed primary and replacement drainfields, there are no surface waters on the subject property and stormwater management would prevent direct discharge of stormwater from entering delineated wetlands, and the water supply, wastewater treatment, and stormwater management would be required to meet applicable requirements of the Flathead County Environmental Health Department and the Montana department of Environmental Quality.
16. There is a potential for conflict between the rifle range located on adjacent State Trust lands and the proposed residential uses because of the impacts from noise. The potential for conflicts can be partly mitigated with a statement placed on the final plat alerting owners to the presence of the rifle range in order to make potential buyers and future owners aware of the possible impacts from noise.
17. Minimal impacts to flora are anticipated because no plant species of concern have been identified as being present on the subject property, disturbance would be primarily limited to areas impacted from road development, disturbed road margins and cut and fill areas are required to be re-vegetated, and completion and adherence to a weed control plan would be a condition of preliminary plat approval.
18. There is no anticipated impact to floodplain because the subject property is not located in a special flood hazard area and is outside of the 0.2% annual chance flood area.
19. Minimal impacts to wetlands are anticipated because the wetland within the subdivision are non-jurisdictional and the delineated wetland areas on Lots 11, 12, and 13 would be shown as 'no-build zone' on the final plat and would not be physically disturbed by development activities.
20. The proposal would adversely impact services of emergency service providers if access through electronic entrance gates to the internal subdivision roads was hindered and if the proposed 30,000 gallon tanker recharge facility was not regularly maintained to ensure proper function into the future.
21. Impacts to wildlife are anticipated due to the scale of the proposed subdivision which would be developed within a large unfragmented rural forested area occupied by populations of a variety of game and non-game species of animals.
22. Impacts to wildlife may be minimized to an acceptable level if future property owners were made aware of the presence of wildlife and potential conflicts by adding a statement to the face of the final plat and requiring specific mitigation measures as recommended by MTFWP to be included in a wildlife-specific section in Article V of the CC&R's of the subdivision prior to final plat.
23. Impacts to wildlife habitat as a result of the proposed subdivision are anticipated because there would be forty nine residential lots established throughout the currently

undeveloped subject property which provides general habitat to many documented species of animals and winter habitat to large game animals, effectively removing habitat or at least altering the quality of the habitat from its current state with the incursion of things such as roads, homes, people, pets, livestock, and refuse.

24. Impacts to wildlife habitat may be minimized to an acceptable level if development is prohibited upon wetland areas and by informing future property owners about the value of wildlife habitat within the subdivision by requiring the CC&R's for the subdivision to address preservation of wildlife habitat by incorporating the recommendations of MTFWP into a wildlife-specific section in Article V of the CC&R's of the subdivision prior to final plat.
25. The proposal would not introduce adverse impacts to public health and safety in regard to flooding because the subject property has no streams or other surface waters, and according to FEMA FIRM Panels 1385G and 1405G, the subject property is located outside of the 0.2% annual chance flood area.
26. Impacts of the proposed subdivision on the area road network appear to be acceptable because the submitted Traffic Impact Study indicates no offsite improvements to area intersections are called for and the developer has already paved offsite roads to adequately offset impacts attributable to the subdivision, and comments from the Flathead County Road and Bridge Department and the Montana Department of Transportation indicate no concerns with the proposal which suggests it's acceptable in regard to the capability of the road network to safely accommodate the new traffic of the proposed subdivision in addition to traffic already using the area roads.
27. The proposed 30,000 gallon tanker recharge facility should not be allowed to be submitted as a component of an SIA and should be installed prior to final plat approval of Phase 1 because its completion is necessary to protect public health and safety considering the extent of heavy forestation on and adjacent to the subject property and the agency comments received regarding fire risk and safety.
28. While the proposal location is within area mapped as Wildland Urban Interface, the effects of this proposed subdivision on public health and safety appear to be acceptable with the imposition of conditions regarding implementation of the 'Fire Prevention, Control, and Fuels Reduction Plan' because adequate physical and legal access to the site is currently provided, adequate emergency services are available, the subdivision would be equipped with a 30,000 gallon tanker recharge facility and there has been and would continue be substantial 'firewise' thinning throughout the subdivision.
29. Minimal risks to public health and safety are anticipated with the imposition of conditions because the site is not located in a special flood hazard area; the proposal for water, sanitation, and stormwater has been reviewed and approved prior to installation of the proposed new facilities; each lot has adequate legal and physical access; there are no high voltage electric or high pressure gas lines on or around the subject property, and;

there are no identified apparent hazards associated with avalanche, or airport influence areas.

30. The preliminary plat would conform to all provisions of the Montana Subdivision and Platting Act if it contains all elements required to meet state survey requirements, which would be determined when it is reviewed by the Flathead County Examining Land Surveyor prior to final plat approval.
31. No variances are requested or required. A four-phase phasing plan has been proposed. 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 appear able to be adequately addressed by conditions.
32. The proposal has been reviewed as a major subdivision in accordance with statutory criteria and standards outlined in Section 4.4 of the Flathead County Subdivision Regulations effective June 1, 2012.
33. 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.
34. Regarding legal and physical access, KM Ranch Road and Stelle Lane are the primary access to the proposed subdivision because they are public roads providing legal and physical access from Highway 93 to the private internal subdivision roads, where gated entrances are situated at Whitefish Ranch Road off KM Ranch Road and at Whitefish Hills Drive off Stelle Lane.
35. Agency comment submitted by Michael Collins, Trust Lands Program Manager for the Northwest Land Office of the Montana DNRC has raised concerns regarding legal access to the proposed subdivision through use of Whitefish Hills Drive's northern gate across an easement situated upon state trust lands. The submitted information indicates use of the easement has not been perfected for the number of current users and the additional use of the easement by the lot owners of the proposed subdivision would further overburden the easement. Upon review of Article X of the submitted draft CC&R's, the future lot owners of the proposed subdivision would specifically have use of Whitefish Hills Drive in its entirety as well as the north entrance gate, resulting in inadvertent non-legal use of the currently imperfect easement in the event they use the road to travel between Whitefish and their lots within the proposed subdivision. This matter could be reasonably remedied by imposing a condition requiring evidence the matter has been satisfactorily resolved by the parties involved prior to final plat.
36. The proposed subdivision is located in an area of Flathead County zoned 'SAG-10 Suburban Agricultural', and the preliminary plat complies with local zoning because the subdivision is intended for single family residential use and the plat identifies a buildable area that may be developed in compliance with applicable bulk and dimensional requirements of the SAG-10 district.

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 #1626B. All road names shall appear on the final plat. Street addressing shall be assigned by Flathead County. [Section 4.7.16(g)(iv), 4.7.26(c) Flathead County Subdivision Regulations (FCSR)]
2. The applicant shall comply with reasonable fire suppression and access requirements of the West Valley Fire District and the Whitefish Rural fire District. A letter from each fire chief stating that the plat meets the requirements of the fire District (or Department) 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 shall be submitted with the final plat. [Section 4.7.25, FCSR]
4. All internal subdivision roads shall be certified by a licensed engineer as having been constructed and paved at least 22-feet wide in accordance with the *Flathead County Minimum Standards for Design and Construction*, as applicable. [Sections 4.7.16, 4.7.17 FCSR]
5. With the application for final plat, the applicant shall provide a compliant Road Users' Agreement or CC&R which requires each property owner to bear his or her pro-rata share for maintenance of the roads within the subdivision and for any integral access roads lying outside the subdivision. [Section 4.7.15(e), FCSR]
6. 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]
7. 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 4.7.12, 4.7.20, 4.7.21 FCSR]
8. 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]
9. A bus stop shall be provided, the location and construction of which shall meet the requirements of the Whitefish School District. The location of the bus stop shall be shown on the face of the final plat, and a letter from the district stating that the applicant has met their requirements shall be included with the application for final plat. [Section 4.7.29, FCSR]

10. 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]
11. 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]
12. The final plat shall comply with state surveying requirements. [Section 76-3-608(b)(i), M.C.A.]
13. 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]
14. All road names shall be approved by Flathead County 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]
15. Where the aggregate total disturbed area of any infrastructure construction in the proposed subdivision as defined in A.R.M. 17.30.1102(28) is equal to, or greater than one acre; or where when combined with subsequent construction of structures such disturbed area will be equal to, or greater than one acre, a Montana State Department of Environmental Quality General Permit for Stormwater Discharges Associated with Construction Activity (General Permit) shall be obtained prior to any site disturbance or construction. [17.30.1115 Administrative Rules of Montana (A.R.M.)]
16. 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]
17. 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]
18. 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

19. The area encompassed by the delineated wetlands on Lots 11, 12, and 13 shall be shown as 'No-Build Zone' on the final plat.
20. The following additional statements shall be placed on the face of the final plat:
 - f) This subdivision is located in an agricultural/silvicultural area and potential nuisances such as noise, dust, odors, and irregular hours of operation are commonplace. As such, the right to farm/log on adjoining properties will not be restricted as a result of the development or occupancy of this subdivision. [MCA 76-3-608]
 - g) This subdivision is located less than one half mile from the Whitefish Rifle and Pistol club, a long-term lessee on State Trust Lands whose lease is in good standing and whose use may be anticipated to continue indefinitely. Residents should understand that gun clubs can be noisy by nature. In addition, other current and future state-authorized uses of neighboring state trust lands, including but not limited to authorized trail networks, will not be restricted as a result of development or occupancy of this subdivision [MCA 76-9-101 & 76-9-103]
21. The proposed 30,000 gallon tanker recharge facility shall be installed and operational prior to final plat approval of the first phase (Phase 2) for fire suppression. The facility shall not be bonded for in an SIA as its completion is necessary to protect public health and safety. The facility shall meet all applicable requirements set forth in Section 4.7.26 of the Flathead County Subdivision Regulations and a letter from the Whitefish Rural Fire District fire chief stating that the facility meets the requirements of the District shall be submitted with the application for Final Plat. [Sections 4.0.16, 4.7.26(d), 4.7.26(b) FCSR]
22. The proposed phasing plan shall be implemented in accordance with the requirements of Section 4.4.2 of the Flathead County Subdivision Regulations; each development phase submitted for final plat review and approval shall be required to meet all conditions of approval established or identify where certain conditions have been previously met or are not applicable to the particular phase. An exception to the submitted phasing plan is that the proposed tanker recharge facility shall be constructed and operational prior to final plat approval of the first phase (Phase 2).
23. Stop signs shall be installed at the intersections of Forest Court and Whitefish Ranch Road and Forest Loop and Whitefish Ranch Road to ensure safe and efficient traffic flow to, from and within the proposed subdivision.
24. The automated gate installed at the main subdivision entrances off of KM Ranch Road, Stelle Lane and Highway 93 at the north end of Whitefish Hills Drive shall be equipped with siren activated opening mechanisms meeting the specifications of the West Valley Fire District and the Whitefish Rural Fire District.
25. Prior to final plat Article V of the CC&R's for Whitefish Hills Forest Phase 2-5 shall be amended to include a wildlife-specific section which includes reasonable specific measures to minimize potential for conflicts between future Lot owners and wildlife and to assist in maintaining quality habitat within the subdivision as recommended in the comment submitted by Montana Fish Wildlife and Parks.
26. Trash bins and other refuse containers should be wildlife (bear) proof and kept in secured locations to limit potential conflicts with wildlife. [Section 4.7.22(c) FCSR]

27. The following statement shall be placed on the face of the final plat:
- h. Lot owners are alerted to the presence of potentially dangerous wildlife in the area and are reminded that **feeding big game is illegal**. Lot owners are encouraged to contact the Montana Department of Fish, Wildlife, and Parks to obtain information on safely living near wildlife and minimizing habitat impact, including such things as bear proofing, pet control, wildlife friendly fencing, and removing food sources.
28. The following statements shall be shown on the face of the final plat:
- i) This subdivision is located in the Wildland Urban Interface wildfire priority area where wildfires can and do occur. [Section 4.7.27(a)(ii)(A) FCSR]
 - j) Only Class A and Class B fire-rated roofing materials are allowed. [Section 4.7.27(a)(ii)(B) FCSR]
 - k) Fire-Wise defensible space standards shall be incorporated around all primary structures and improvements. [Section 4.7.27(a)(ii)(C) FCSR]
 - l) All road names are assigned by the Flathead County Address Coordinator. House numbers shall be clearly visible from the road, either at the driveway entrance or on the house. House numbers shall be at least four inches in height. [Section 4.7.27(a)(ii)(D)]
29. Prior to final plat the CC&R's for Whitefish Hills Forest Phase 2-5 shall be amended to adequately address long-term maintenance of the tanker recharge facility used for fire suppression. [Sections 4.7.26(d), 4.7.26(b) FCSR]
30. The applicant shall work with the Whitefish Rural Fire District and West Valley Fire District to adjust the boundaries of the fire districts such that no lot is split by either district or shall reconfigure the lot boundaries to prevent any lot from being divided by a Fire District prior to final plat. [Section 4.7.5(g) FCSR]
31. The Fire Prevention Control and Fuels Reduction Plan submitted with the preliminary plat application shall be implemented prior to the approval of the final subdivision plat, in accordance with the proposed plan. The local/reviewing fire authority shall inspect the subdivision and provide written documentation that all thinning, clearing and other mitigation measures described in the plan have been completed as proposed for each phase of development. [Section 4.7.27(b)(iii) FCSR]