

FLATHEAD COUNTY PLANNING AND ZONING OFFICE
SUBDIVISION REPORT FPP-16-05
ROUND STONE INDUSTRIAL PARK
SEPTEMBER 28, 2016

A report to the Flathead County Planning Board and Board of County Commissioners regarding a request for preliminary plat approval of Round Stone Industrial Park subdivision, a major subdivision that would create 4 industrial lots. Located approximately 1/2 mile west of the U.S. Highway 93 and located on Cemetery Road.

The Planning Board will hold a public hearing in the 2nd Floor Conference Room of the South Campus Building located at 40 11th Street West in Kalispell on October 12, 2016 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 November 18, 2016. Documents pertaining to this application are available for public inspection at the Flathead County Planning and Zoning Office, located in the South Campus Building at 40 11th Street 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 October 12, 2016 and make a recommendation to the Flathead County Board of Commissioners. This space is reserved for a summary of the Planning Board's discussion and recommendation.

C. Commission

The Flathead County Board of Commissioners will review this proposal after the public hearing conducted by the Planning Board and prior to November 18, 2016 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. Owner/Applicant

Mike and Sharon Tikka
294 Stillwater Road
Kalispell, MT 59901

ii. Technical Assistance

Bob Erickson, PLS
Jackola Engineering & Architecture, PC
2550 Highway 93 South
Kalispell, MT 59901

B. Project Description

The request is for preliminary plat approval of a 4 lot subdivision located on Cemetery Road. The proposed subdivision would create 3 additional industrial lots and be served by on-site septic and wells. Primary access to the lots would be from a new interior

subdivision road. The property is currently zoned SAG-10 and is going through a zoning map amendment which would rezone the property to I-1.

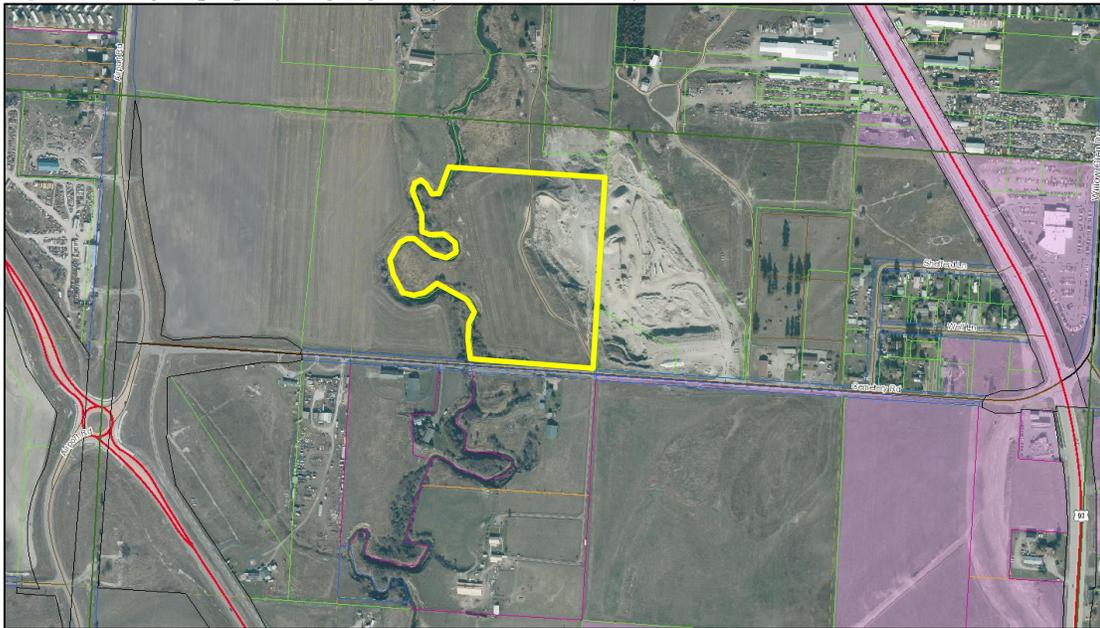
C. Legal Description of Subject Property

The property can be legally described as Parcel D of Certificate of Survey No. 19227, located the Northwest Quarter of Section 29, Township 28 North, Range 21 West, P.M.M., Flathead County, Montana.

D. Detailed Location

The property is approximately 1/2 mile west of Highway 93 and the Kalispell city limits on Cemetery Road. The property is situated roughly equidistance from the Highway 93 By-pass and Highway 93.

Figure 1: Subject property (highlighted yellow) and vicinity



E. Subdivision Layout Detail

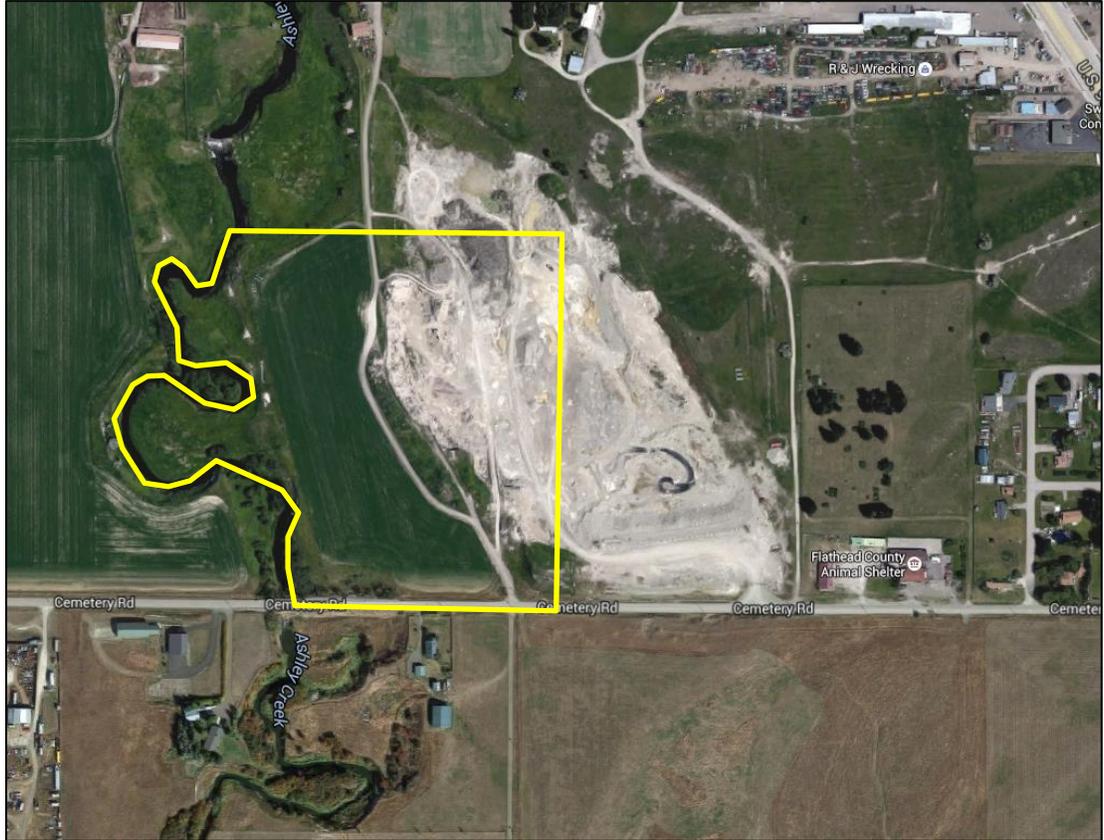
- i. **Total Subdivision Acreage:** 21.02 acres
- ii. **Acreage in Lots:** 18.25 acres
- iii. **Acreage in Roads:** 2.79 acres
- iv. **Total Park/Common Area/Open Space Acreage:** 0.00 net acres
- v. **Minimum Lot Size:** 1.14 acres
- vi. **Maximum Lot Size:** 12.94 acres
- vii. **Overall Gross Lot Density:** 1 unit per 5.26 acres

F. Administrative Characteristics

i. Current Land Use

The east side of the property was formerly a part of a gravel pit. The current owners have begun remediation of the gravel pit with DEQ. The gravel pit extends onto the neighboring properties to the north and east. The middle of the lot has historically been used for agriculture and the west side of the property is Ashley Creek.

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



ii. Current Zoning

The subject property is located within the Westside Zoning District and is currently zoned ‘SAG-10 Suburban Agricultural’ (see Figure 2 below). As depicted in Figure 3 below, the applicant has requested a zoning map amendment for the property to zone it ‘I-1 Light Industrial.’ Per Section 3.07 of the Flathead County Zoning Regulations (FCZR), SAG-10 is ‘*A district to provide and preserve agricultural functions and to provide a buffer between urban and unlimited agricultural uses, encouraging separation of such uses in areas where potential conflict of uses will be minimized, and to provide areas of estate-type residential development.*’

The I-1 designation is defined in Section 3.27 FCZR as, ‘*A district to provide areas for light industrial uses and service uses that typically do not create objectionable by-products (such as dirt, noise, glare, heat, odors, smoke, etc.), which extend beyond the lot lines. It is also intended that the encroachment of non-industrial uses within the district be prevented other than those listed herein.*’

Figure 3: Current zoning applicable to subject property (outlined in red)

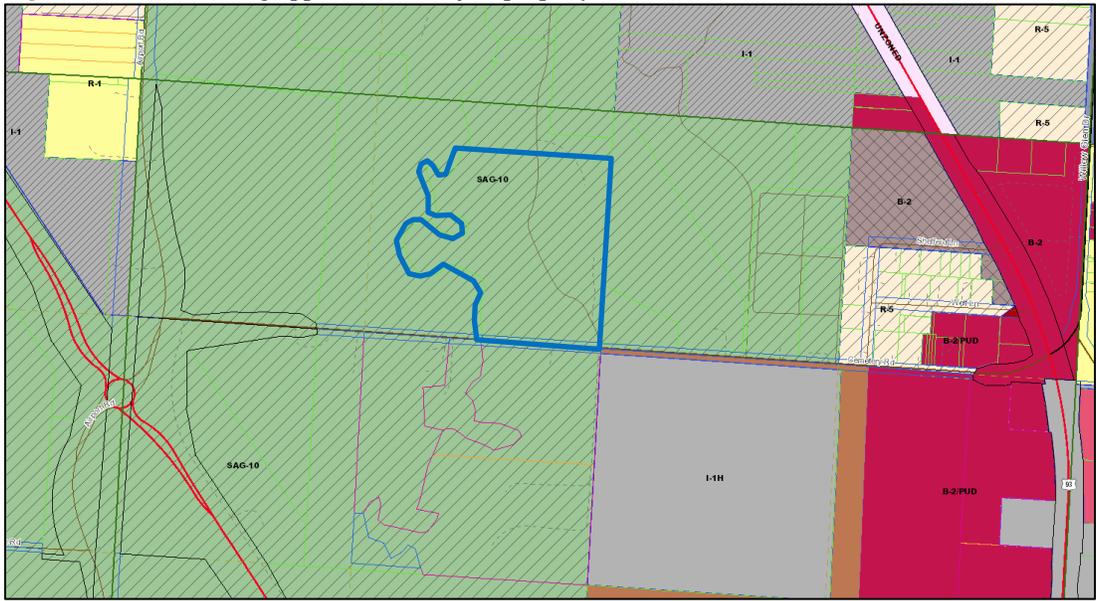
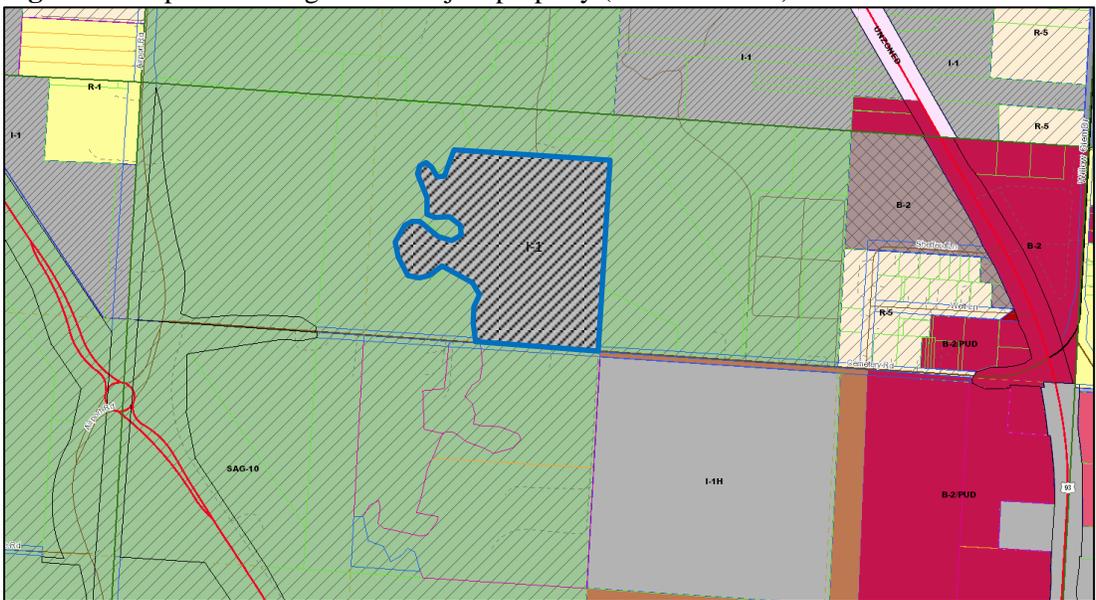


Figure 4: Proposed zoning on the subject property (outlined in red)



iii. Proposed Land Use

The proposed Round Stone Industrial Park Subdivision would create a 4 lot industrial subdivision with lots ranging in size from 2 to 14 acres.

G. Area Characteristics

i. Description of Area Surrounding Proposed Subdivision

A portion of the property was formerly a part of a gravel pit. The gravel pit extends onto the neighboring properties to the north and east. Also in the vicinity of the subject property is agricultural, industrial and residential.

ii. Zoning

As mentioned above, the subject property is currently zoned SAG-10 but the applicants have requested a zoning map amendment to rezone the property I-1 in order to subdivide the property as proposed. Property to the northeast and southeast are currently zoned I-1 and I-1H, respectively while adjoining properties are SAG-10 (Figure 4).

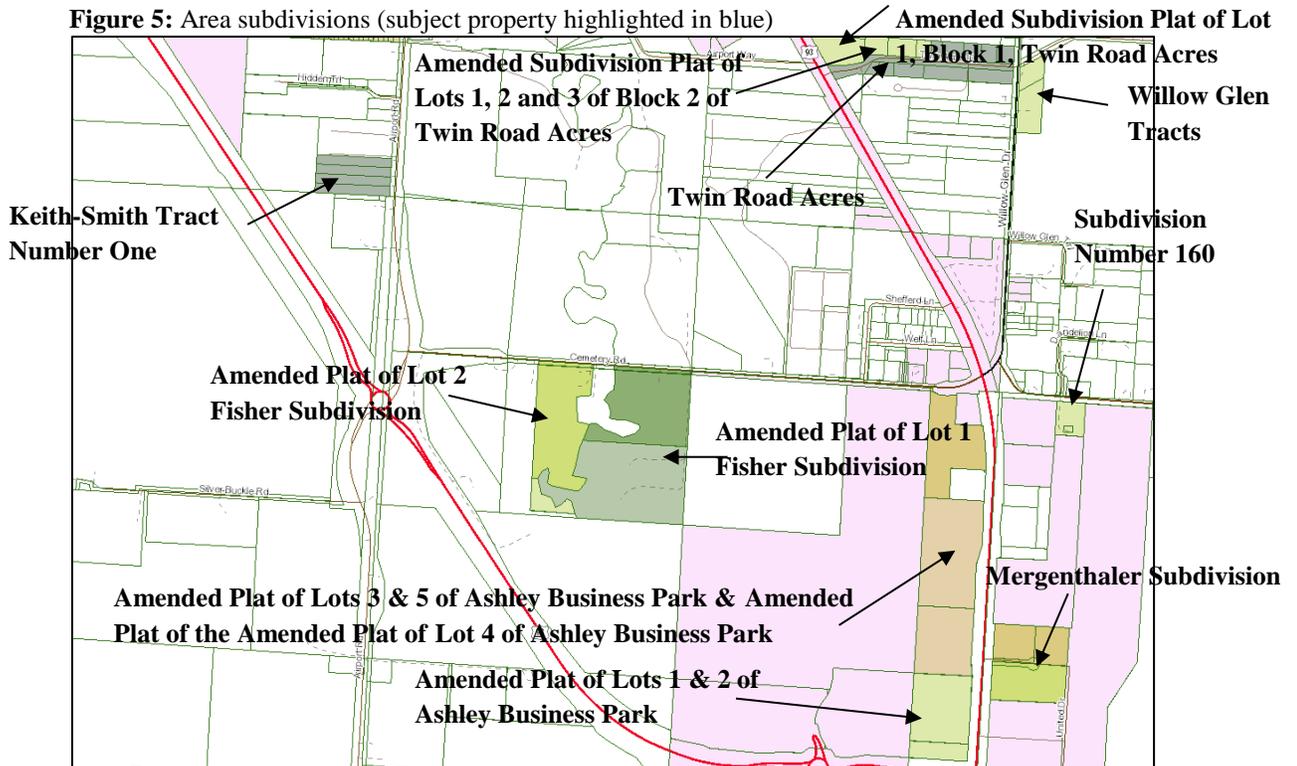
iii. Land Uses

As previously stated, a portion of the property was formerly a part of a gravel pit. The gravel pit extends onto the neighboring properties to the north and east. Also in the vicinity of the subject property is agricultural, industrial and residential.

iv. Previously Considered Subdivisions in Area

As shown in Figure 4 above, the subject property is located within close proximity to a variety of subdivisions. Several of the subdivisions in the vicinity of the property were completed prior to the adoption of the subdivision regulations such as Keith-Smith Tract Number One, Twin Road Acres or were divided though deed or COS. Other subdivision in the area include The Amended Subdivision Plat of Lots 1, 2 and 3 of Block 2 of Twin Road Acres, the Amended Subdivision Plat of Lot 1, Block 1, of Twin Road Acres, Willow Glen Tracts, Amended Plat of Lots 1 & 2 of Ashley Business Park Subdivision, Amended Plat of Lot 1, Fisher Subdivision, Amended Plat of Lot 2, Fisher Subdivision and the Mergenthaler Subdivision. Some subdivisions are located within the City of Kalispell including; Amended Plat of Lots 3 & 5 of Ashley Business Park & Amended Plat of the Amended Plat of Lot 4 of Ashley Business Park and Lots 1 & 2 of the Mergenthaler Subdivision.

Figure 5: Area subdivisions (subject property highlighted in blue)



H. Utilities and Services

Wastewater:	Individual Wastewater Treatment systems
Water:	Individual Wells
Solid Waste:	Contract Haul- Evergreen Disposal
Schools:	Elrod School District Flathead High School District
Fire:	South Kalispell Fire District
Police:	Flathead County Sheriff

III. COMMENTS RECEIVED

A. Agency Comments

The subdivision file contains a copy of the agency referral document sent on August 22, 2016. As of the date of completion of this staff report, the following comments have been received:

- Flathead County Road and Bridge Department
 - o Comment: “At this point the Department does not have any comments on this request.”
- Bonneville Power Administration
 - o Comment: “In reviewing the proposed plan, it appears this request will not affect any BPA facilities located within this area. BPA does not have any objections to the approval of this request at this time.”
- Montana Fish, Wildlife & Parks
 - o Comment: “The proposed subdivision abuts the riparian zone of Ashley Creek. Riparian zones, such as the area surrounding Ashley Creek, provide important habitat for numerous wildlife species, as well as movement corridors for others. In order to protect water quality, stream stability, aquatic habitat, and the associated riparian areas, while minimizing fragmentation and degradation of these sites, we recommend the following design standards:
 - a) Maintain a minimum of 150 feet of vegetated buffer from the creek edge, plus an additional 50 feet building setback (total of 200-foot buffer).
 - b) Within this setback, avoid the construction of buildings and other subdivision improvements, including roads.
 - c) Avoid disturbing native vegetation, except as needed to control noxious weeds.

In contrast, the developers propose a 20-foot vegetative buffer and a 50-foot no-build zone from the top of the bank of Ashley Creek. This buffer is deficient to allow for wildlife movement and provide habitat for wildlife. We recommend increasing the vegetative buffer and the no-build zone to 150 feet and 200 feet, respectively.”

- Flathead County Environmental Health Department
 - o Comment received during the zoning map amendment for the subject property: “Further division of the property requires review under the Sanitation in Subdivisions Act (Title 76, Chapter 4, Part 1). This review

includes potable water, wastewater, storm water drainage, and solid waste disposal. This parcel is located within the Kalispell Control District. Development must be in accordance with the Flathead County Air Pollution Control Regulations.”

- Flathead County GIS
 - o Comment: As proposed, the road name “Round Stone Dr” is hereby approved by the Flathead County GIS Department for use on the Preliminary Plat of Round Stone Industrial Park. Road names are reserved for a period of three years. In the event that the road name has not been adopted prior to the reservation period expiration, the name shall be voided.”
- Flathead County Weed, Parks & Recreation
 - o Comment: “The Flathead County Weed District office assists Landowners and developers when an application is made to the Planning & Zoning Department that may result in soil disturbance. It is the landowners’ responsibility to control noxious weeds on their land – MCA Section 7-22-2116. A noxious weed is legally defined as “any exotic plant species that may render land unfit for agriculture, forestry, livestock wildlife or other beneficial uses, or that may harm native plant communities.” Most noxious weeds thrive when soil is disturbed. Some can grow from root parts, as well as seeds that become exposed.

“Please refer to the enclosed Weed Inspection Report that includes Weed Control Suggestions for this subdivision. A Soil Disturbance & Weed Management Plan is enclosed for you to complete and return to our office within 10 days. This is required prior to final plat approval and/or before construction and/or disturbance begins.

“If construction is involved, vehicles entering and exiting the site during construction should be monitored for any weeds “hitchhiking” on tires or attached to the vehicle. Weed management guidelines and a weed prevention plan should be developed for the entire subdivision as opposed to individual lots. Road maintenance plans should address weed management along the subdivision roadsides to reduce the spread of weeds throughout the subdivision, as well.”

B. Public Comments

In accordance with Section 4.0.14 Flathead County Subdivision Regulations (FCSR), adjacent property notification was mailed to neighboring property owners within 150 feet of the proposed subdivision on September 23, 2016, legal notice was published in the Daily Interlake on September 25, 2016, and notice of the proposal and public hearing was physically posted onsite on September 27, 2016.

As of the date of the completion of this staff report, no public comments have been received from the general public regarding the proposal.

Any written public comment received after September 28, 2016 will be summarized during the Planning Board hearing on October 12, 2016. Anyone wishing to provide public comment may do so at the October 12, 2016 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.

i. Impact on Agriculture

According to the environmental assessment, approximately 60% of the area west of the slopes along Ashley Creek had been used for agricultural production until 2014. The remaining 40% had been used as open cut gravel pit and is currently in the DEQ reclamation process with established vegetation covering the mined area. The application also states, “Approximately 8 acres on the western half of the property had been farmed primarily for wheat through 2014 with an average yield of 40 bushels per acre. Canola was planted and harvested in 2013 with a yield of approximately 25 bushels per acres.”

The neighboring properties are currently being used for agriculture. While the proposal would result in a reduction in agricultural production onsite, it does not appear the proposal would impact the ability of neighboring properties to continue agricultural production. The evaluation of the Preliminary Plat, Environmental Assessment, and supporting documentation included with the application has identified no adverse impacts to onsite or area agriculture which would necessitate special mitigation.

Finding #1 – There would be minimal impact on agriculture because discontinuation of hay production on site would have minimal impact on hay production rates and adjacent properties are not dependent upon the subject property for agricultural use.

ii. Impact on Agricultural Water User Facilities

As indicated in the submitted Environmental Assessment, there are no agricultural water works, wells, canals, irrigation ditches or pump houses onsite or adjacent to the proposal. 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 #2- There would be no impact to agricultural water user facilities because the subject property is not currently irrigated for agricultural purposes, has no irrigation infrastructure on site, is not in an irrigation district, and is not party to any existing irrigation agreements.

iii. Impact on Local Services

1. Water and Wastewater

The application indicates, “Water for domestic use and irrigation would be provided by individual and shared wells. To determine the domestic demand a total 20 worker per lot, comprised of 5 office workers and 15 construction workers is assumed. Based on DNRC calculations, the total domestic demand for the subdivision would be 3,300 gallons per day, or 2.3 gallons per minute. If an average of 10,800 square feet of lawn on each lot is assumed, the total irrigation demand would be 2.5acre/feet per season. The well logs previously provided in Appendix E of the Environmental Assessment indicate adequate water supply is available to serve the proposed subdivision. The least productive well generates 25 gallons per minute, which would meet the estimated demands of the subdivision.”

Comments from the Flathead County Environmental Health Department states, “Further division of the property requires review under the Sanitation in Subdivisions Act (Title 76, Chapter 4, Part 1). This review includes potable water, wastewater, storm water drainage, and solid waste disposal.”

According to the additional information provided in the Environmental Assessment, “As the type of business and number of employees is unknown for each lot, an assumed light industrial building with an estimate of 20 employees per shift per lot was used [...]. Based on Montana DEQ Circular 4, the total estimated effluent for the proposed subdivision at full occupancy is 1,040 gallons per day with each lot generating 260 gallons per day. [...]. The proposed on-site septic systems would be sufficient to serve the proposed subdivision and would meet states standards. Individual drainfields would be required to meet the Montana Department of Environmental Quality and Flathead County Health Department design and construction standards prior to permitting and installation.”

According to the City of Kalispell Growth Policy the subject property is located within the Annexation Policy Boundary. The Kalispell annexation plan states, “The annexation boundary map was intended to be a general policy statement not a fixed regulatory document. The boundary was intended to address the impacts of logical development patterns and growth within the city that would occur over the next 5 – 10 years.”

Water and wastewater 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 and not required to annex into the City of Kalispell. The impacts to existing private or public water and wastewater services are anticipated to be minimal because the subdivision will utilize individual wells and septic.

Finding #3 - The subdivision will have minimal impact on water and wastewater appears to be acceptable with the imposition of conditions the subdivision will utilize the wells and onsite septic, not be required to connect to City services and both the water and wastewater system will be required to be reviewed and permitted by the Montana Department of Environmental Quality as applicable.

2. Schools

Although the proposal is located within the Elrod Elementary and Flathead High School Districts, no school age children are anticipated as a result of the subdivision because the proposal specifies an industrial land use and is currently in the process of a zone change to I-1. Because of this, no impacts to area schools are anticipated with this subdivision.

3. Mail Delivery

The applicant is proposing to utilize centralized mailboxes. 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 and should meet the location requirements outlined in Section 4.7.28 FCSR.

4. **Recreation**

Since the proposal is for a four lot industrial subdivision, no parkland is required per Section 4.7.24(a)(ii) FCSR as the lots are part of a non-residential subdivision. According to the Flathead County Trails Plan and Section 4.7.19 FCSR, a 15 feet wide easement for a pedestrian/bicycle path will be required along Cemetery Road the length of the subject property as the property is designated as a future connector on the Flathead County Trails Plan Map.

Finding #4 – Impacts on schools, recreation and mail delivery will be acceptable with standard conditions because the proposed subdivision would have no impact on local schools, mail delivery shall be approved by the postmaster, the final plat shall be required to have a 15 feet wide easement for a pedestrian/bicycle path along Cemetery Road and no other recreational facilities are required for commercial or industrial subdivisions.

5. **Roads**

Primary access to the property is currently off Cemetery Road. Cemetery Road is a two-lane paved County collector road within 60 foot easement. Cemetery Road connects Highway 93 with the Highway 93 Bypass via Airport Road. Traffic counts for Cemetery Road indicate 1,746 average daily trips east of Airport Road and 1,931 daily trips west of Highway 93. The lots will be accessed from the proposed Round Stone Drive. Round Stone Drive is a proposed road approximately 623 feet long that ends in a cul-de-sac. Round Stone Drive will be a paved road within a sixty foot easement and shall comply with Flathead County Road and Bridge Department Minimum Standards for Design and Construction.

Abelin Traffic Services conducted a Traffic Impact Study for the proposed Round Stone Industrial Park in July 2016. According to the study the subdivision has the potential to generate 850 daily trips. The Level of Service (LOS) for the intersection of Cemetery Road and Highway 93 and Cemetery Road and Airport Road is B and the LOS for the intersection of Airport Road and Highway 93 Bypass A is for both AM and PM peak hours. At full build-out the intersections of Cemetery Road and Highway 93 and Cemetery Road and Airport Road will continue to have a LOS B and the intersection of Airport Road and Highway 93 Bypass will have LOS A. Round Stone Drive and Cemetery Road will have LOS A for AM peak hour and B for PM peak hour. According to the study, typically a LOS C or better is considered acceptable for peak hour conditions. The study concludes, “As proposed, the Round Stone Industrial Park will not create any roadway capacity problems on adjacent roadways. All nearby intersections will continue to function at acceptable levels of service. No additional turning lanes or traffic controls would be warranted with this project.”

The subject property currently has a 60 foot private road and utility easement located along the east boundary that will not be used as access to the proposed subdivision but the preliminary plat shows the easement would be maintained for access to the properties to the north, which would be in compliance with Section 4.7.15(d) FCSR. The applicant is not proposing any improvements to the existing easement.

Finding #5 – The road system appears to be acceptable with the standard conditions as the primary access would be from the proposed Round Stone Drive via Cemetery Road, Cemetery Road is a paved County collector within an appropriate right of way, each lot has legal and physical access via Round Stone Drive which shall be constructed to comply with the Flathead County Road and Bridge Department Minimum Standards for Design and Construction.

6. Fire/Emergency Medical Services

The proposed subdivision is located within the South Kalispell Fire District. The nearest fire station is located on Willow Glen Drive approximately 1.0 road mile northeast of the subject property. Because of the proximity to the proposed subdivision the South Kalispell Fire Department anticipates a response time of approximately 5 minutes. An email from the South Kalispell Fire Department states, “Firefighting and medical resources would not be unduly burdened by the addition of this development, and adequate resources are currently in place to provide protection to this area as planned.”

It is not anticipated the proposed subdivision would overburden the district as the site is within an acceptable distance to the fire station and access to each site. Ambulance service would be available to serve the proposed subdivision, as well as ALERT service by the Kalispell Regional Medical Center.

7. Police Services

The property is located outside city limits and will be served by the Flathead County Sheriff. The Sheriff’s Department did not respond to a request for comments. Given existing staffing, the size of the County and the dispersed nature of the population, police services to this subdivision are anticipated to be consistent with other areas of Flathead County.

Finding #6 – Impacts on fire/medical and police services would be minimal with standard conditions because the lots within the proposed subdivision would utilize would be served within an acceptable response time by the Evergreen Fire District and Flathead County Sheriff’s Department in the event of an emergency.

8. Solid Waste Disposal

The applicant has indicated the use of contract haul as the planned method of solid waste disposal which is consistent with the Flathead County Solid Waste District’s request that all new subdivisions in Flathead County use a contract hauler to bring solid waste to the landfill. Evergreen Disposal is the (PSC) Public Service Commission licensed hauler in this area. Pursuant to Section 4.7.22 FCSR the applicant should be required to meet the requirements of the Flathead County Solid Waste District.

9. Other Utilities

Overhead power line is located along the south side of Cemetery Road. Any new utilities installed in the future shall be extended underground in compliance with Section 4.7.23 FCSR.

Finding #7 – Impacts on solid waste disposal and other utilities would be acceptable with standard conditions because the lots within the proposed subdivision would

utilize contract haul services for solid waste management, and future utilities would be required to be underground in conformance with the applicable regulations.

iv. Impact on the Natural Environment

1. Water Quality

There is no indication of shallow ground water present on the subject property but there is surface water on the west boundary of the property. Wastewater from the proposed lots will be managed by new septic system. As indicated in the submitted NRCS soils survey data, soils on the subject property consist of Kalispell loam (Ke) with 0 to 3 percent slopes, Kalispell gravelly (Kd) loam, moderately deep over gravel with 12 to 40 percent slopes and poorly drained Alluvial land (Aa). According to the soil survey, the Aa and Kd soil classifications are not considered prime farmland and Kd is considered well drained. Ke is considered prime farmland if irrigated and is well drained. Both Kd and Ke would be well suited to subsurface sewage treatment systems where the drainfields will be primarily located.

The Environmental Assessment and stormwater management plan indicate stormwater drainage would be managed onsite through swales. Due to the large size of the lots, the swales are anticipated to provide the required retention for stormwater drainage. It is therefore anticipated that no stormwater drainage would enter natural surface waters as a result of runoff from the subdivision. The proposed water supply, sanitation, and stormwater would require review and approval by the Flathead County Environmental Health Department and the Montana Department of Environmental Quality as applicable prior to final plat approval.

Finding #8 – Adverse impacts to water quality as a result of the subdivision are not anticipated because the lots would use proposed septic system, the retention swales would be located in areas to limit storm water runoff into Ashley Creek, both Kd and Ke soils would be well suited to subsurface sewage treatment systems where the drainfields will be primarily located 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.

2. Air Quality

The Environmental Assessment states, “The subdivision road will be constructed and paved to County Standards. Cemetery Road is a paved County Road that provides access to the proposed subdivision. Watering of the disturbed areas and providing a tracking pad during construction of the subdivision road and future building site will reduce the potential of fugitive dust.” The applicant has submitted a Dust and Air Pollution Control and Mitigation Plan compliant with Section 4.7.14 FCSR.

Comments from the Flathead County Environmental Health Department states, “[...]. This parcel is located within the Kalispell Control District. Development must be in accordance with the Flathead County Air Pollution Control Regulations.” The property is located on the southwestern side of the Air Pollution Control District.

Lasting impacts to air quality are not anticipated as a result of the subdivision because the lots will be accessed via a paved subdivision road and Cemetery Road is also paved. 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, if any.

3. **Impact of Noise**

It is estimated that the development of the subdivision would generate noise during construction of the subdivision and minimal noise during development of the lots. The proposed industrial uses are not anticipated to generate permanent continuous impacting noise to area residents or wildlife because the definition of the currently proposed I-1 zoning district states *'An industrial district intended to provide areas for light industrial, research and technology. The uses would typically not create objectionable characteristics (such as dirt, noise, glare, heat, odor, smoke, etc.), which extend beyond the lot lines. This zoning district would typically be restricted to areas designated as industrial on the Kalispell Growth Policy Future Land Use Map.'*

Finding #9 – Adverse impacts to air quality and of noise are anticipated to be acceptable with standard conditions as all roads accessing the subdivision are already paved, a Dust Abatement Plan was provided to mitigate potential issues of dust during construction and impacts of noise are not expected to extend beyond property lines.

4. **Impact to Flora**

There is riparian vegetation on the lot. The preliminary plat indicates bushes and trees exist along the west boundary line. This vegetation is expected to be maintained within the riparian boundary. The Riparian Resources Management Map shows a 20 foot vegetative buffer and 50 foot no-build zone from the top of the slope. In addition to the buffer and no-build zone at the top of the slope the applicant has designated all of the SFHA as no-build at the base of the slopes. The SFHA ranges in width from approximately 40 feet to 350 feet and the width of the no-build zone would be between 90 feet and 400 feet. The no-build zone would be left in its current state.

Pursuant to Section 4.7.25 FCSR the subdivision will be required to develop and implement a weed control plan approved by the Flathead County Weeds Department prior to final plat approval. Comments from the Flathead County Weed District states, "The Flathead County Weed District office assists Landowners and developers when an application is made to the Planning & Zoning Department that may result in soil disturbance. It is the landowners' responsibility to control noxious weeds on their land – MCA Section 7-22-2116. A noxious weed is legally defined as 'any exotic plant species that may render land unfit for agriculture, forestry, livestock wildlife or other beneficial uses, or that may harm native plant communities.' Most noxious weeds thrive when soil is disturbed. Some can grow from root parts, as well as seeds that become exposed.

"Please refer to the enclosed Weed Inspection Report that includes Weed Control Suggestions for this subdivision. A Soil Disturbance & Weed Management Plan is enclosed for you to complete and return to our office within 10 days. This is required prior to final plat approval and/or before construction and/or disturbance begins.

"If construction is involved, vehicles entering and exiting the site during construction should be monitored for any weeds "hitchhiking" on tires or attached to the vehicle.

Weed management guidelines and a weed prevention plan should be developed for the entire subdivision as opposed to individual lots. Road maintenance plans should address weed management along the subdivision roadsides to reduce the spread of weeds throughout the subdivision, as well.”

5. Impact to Floodplain

The subject property is located on Ashley Creek and according to FEMA FIRM Panel 30029C 1820J, a portion of the property is located within a Zone AE, a Special Flood Hazard Area with a base flood elevation and regulatory floodway. The majority of the property is located within an unshaded Zone X an area determined to be outside the 0.2% annual chance flood hazard. Lots 2 through 4 contain floodplain; however the lots contain areas for building sites outside of the floodplain. Per Section 4.7.9 areas delineated as 100 year floodplain have been designated as “No Build Zones” on the preliminary plat and can be conditioned for the final plat which will minimize the impact of the subdivision on the floodplain.

6. Impact to Riparian/Wetland Areas

The western property line of the proposed subdivision is Ashley Creek therefore a Riparian Resource Management Plan was provided with the preliminary plat application. Most of the riparian area is designated as Zone AE, a Special Flood Hazard Area (SFHA) with a base flood elevation and regulatory floodway. According to the Plan and the topography illustrated on the preliminary plat, the riparian/wetland area can be described as a steep creek bank with areas of sloughing. The Riparian Resources Management Map shows a 20 foot vegetative buffer and 50 foot no-build zone from the top of the slope. In addition to the buffer and no-build zone at the top of the slope the applicant has designated all of the SFHA as no-build. The SFHA ranges in width from approximately 40 feet to 350 feet, so the width of the no-build zone would be between 90 feet and 400 feet.

According to the Environmental Assessment and Riparian Resource Management Plan, states “The riparian areas on Lots 2, 3 and 4 shall be kept in its natural state and free of noxious weeds and debris. [...]. Areas eroded by storm waters, winds, or other natural events shall be repaired by the owner of the lot where erosion has occurred by replacing topsoil and replanting with native plants as needed to establish a root system to prevent further erosion.”

The Riparian Resources Management Plan also states, “Each lot owner shall be responsible for monitoring the riparian area located on their own lot for presence of noxious weeds and debris on an annual basis at a minimum.”

Because the applicant is proposing a no-build zone adjacent to the creek and within the SFHA and monitoring will be done by each landowner, minimal impact to the riparian and wetland areas are anticipated.

Finding #10 – No impacts to the flora, floodplain and riparian/ wetland area are anticipated as the subject property as the applicant proposed and will be required to have a no-build zone within the Special Flood Hazard Area between 90 and 400 feet, monitoring will be done by each landowner within the riparian boundary and a weed

management plan shall be approved by the Flathead County Weed Board prior to final plat approval.

7. Impact to Historical Features

The Environmental Assessment indicates there are no known historic, archeological, or cultural sites on the subject property.

Finding #11 – Impacts to historical features are not anticipated as the subject property contains no historical structures.

v. Impact on Wildlife

According to a search of the Montana Natural Heritage Program, 10 Species of Concern exist within the boundaries of Township 29N, Range 21W. These include the Hoary Bat, Little Brown Myotis, Fisher, Great Blue Heron, Veery, Westslope Cutthroat Trout, Pygmy Whitefish, Bull Trout, Hooked Snowfly, and Alberta Snowfly. Hoary Bat, Veery, and Great Blue Heron habitat is riparian forest which is present on-site. Alberta and Hooked Snowfly, Westslope Cutthroat and Bull Trout are found in creeks can be found in rivers and streams.

Comment was requested from the Montana Fish, Wildlife and Parks “The proposed subdivision abuts the riparian zone of Ashley Creek. Riparian zones, such as the area surrounding Ashley Creek, provide important habitat for numerous wildlife species, as well as movement corridors for others. In order to protect water quality, stream stability, aquatic habitat, and the associated riparian areas, while minimizing fragmentation and degradation of these sites, we recommend the following design standards:

- a) Maintain a minimum of 150 feet of vegetated buffer from the creek edge, plus an additional 50 feet building setback (total of 200-foot buffer).
- b) Within this setback, avoid the construction of buildings and other subdivision improvements, including roads.
- c) Avoid disturbing native vegetation, except as needed to control noxious weeds.

“In contrast, the developers propose a 20-foot vegetative buffer and a 50-foot no-build zone from the top of the bank of Ashley Creek. This buffer is deficient to allow for wildlife movement and provide habitat for wildlife. We recommend increasing the vegetative buffer and the no-build zone to 150 feet and 200 feet, respectively.”

As previously stated, The Riparian Resources Management Map shows a 20 foot vegetative buffer and 50 foot no-build zone from the top of the slope. In addition to the buffer and no-build zone at the top of the slope the applicant has designated all of the SFHA as no-build below the slope. The SFHA ranges in width from approximately 40 feet to 350 feet and the width of the no-build zone would be between 90 feet and 400 feet with an average width over 100 feet.

vi. Impact on Wildlife Habitat

Comment was requested from the Montana Fish, Wildlife and Parks “The proposed subdivision abuts the riparian zone of Ashley Creek. Riparian zones, such as the area surrounding Ashley Creek, provide important habitat for numerous wildlife species, as well as movement corridors for others. In order to protect water quality, stream stability, aquatic habitat, and the associated riparian areas, while minimizing fragmentation and degradation of these sites, we recommend the following design standards:

- d) Maintain a minimum of 150 feet of vegetated buffer from the creek edge, plus an additional 50 feet building setback (total of 200-foot buffer).
- e) Within this setback, avoid the construction of buildings and other subdivision improvements, including roads.
- f) Avoid disturbing native vegetation, except as needed to control noxious weeds.

In contrast, the developers propose a 20-foot vegetative buffer and a 50-foot no-build zone from the top of the bank of Ashley Creek. This buffer is deficient to allow for wildlife movement and provide habitat for wildlife. We recommend increasing the vegetative buffer and the no-build zone to 150 feet and 200 feet, respectively.”

As previously stated, the property is located along Ashley Creek and contains SFHA, as such the applicant has submitted a Riparian Resource Management Plan with the application. The Riparian Resources Management Plan Map shows a 20 foot vegetative buffer and 50 foot no-build zone from the top of the slope. In addition to the buffer and no-build zone at the top of the slope the applicant has designated all of the SFHA as no-build which varies in width from approximately 40 feet to 350 feet. The width of the no-build zone would be between 90 feet and 400 feet and an average width over 100 feet.

Because the property will contain a vegetative buffer, which does not permit structures for human occupancy, sewage disposal systems, accessory structures or roads and the vegetative buffer will be maintained and monitored, the impacts on wildlife habitat will be minimal.

Finding #12 – Impacts to wildlife and wildlife habitat are anticipated to be minimal and acceptable as the property will contain a vegetative buffer, which does not permit structures for human occupancy, sewage disposal systems, accessory structures or roads and the vegetative buffer will be maintained and monitored.

vii. Impact on Public Health and Safety

1. Flood Risk

The subject property is located on Ashley Creek and according to FEMA FIRM Panel 30029C 1820J, a portion of the property is located within a Zone AE, a SFHA with a base flood elevation and regulatory floodway. The majority of the property is located within an unshaded Zone X an area determined to be outside the 0.2% annual chance flood hazard. Lots 2, 3 and 4 contain floodplain; however the lots contain areas for building sites outside of the floodplain. Per Section 4.7.9 areas delineated as 100 year floodplain have been designated as “No Build Zones” on the preliminary plat and can be conditioned for the final plat which will minimize future impact on public health and safety of the subdivision.

Finding #13 – The proposal would not introduce adverse impacts to public health and safety in regard to flood risk because the areas delineated as 100 year floodplain have been designated as “No Build Zones” on the preliminary plat and can be conditioned for the final plat which will minimize future impact on public health and safety of the subdivision.

2. Water and Wastewater Treatment

As previously mentioned the application states, “Water for domestic use and irrigation would be provided by individual and shared wells. To determine the domestic demand a total 20 worker per lot, comprised of 5 office workers and 15

construction workers is assumed. Based on DNRC calculations, the total domestic demand for the subdivision would be 3,300 gallons per day, or 2.3 gallons per minute. If an average of 10,800 square feet of lawn on each lot is assumed, the total irrigation demand would be 2.5acre/feet per season. The well logs previously provided in Appendix E of the Environmental Assessment indicate adequate water supply is available to serve the proposed subdivision. The least productive well generates 25 gallons per minute, which would meet the estimated demands of the subdivision.”

Comments from the Flathead County Environmental Health Department states, “Further division of the property requires review under the Sanitation in Subdivisions Act (Title 76, Chapter 4, Part 1). This review includes potable water, wastewater, storm water drainage, and solid waste disposal.”

According to the additional information provided in the Environmental Assessment, “As the type of business and number of employees is unknown for each lot, an assumed light industrial building with an estimate of 20 employees per shift per lot was used [...]. Based on Montana DEQ Circular 4, the total estimated effluent for the proposed subdivision at full occupancy is 1,040 gallons per day with each lot generating 260 gallons per day. [...]. The proposed on-site septic systems would be sufficient to serve the proposed subdivision and would meet states standards. Individual drainfields would be required to meet the Montana Department of Environmental Quality and Flathead County Health Department design and construction standards prior to permitting and installation.”

The applicant has provided well logs and soil profiles which seem to demonstrate that the quantity and quality of water supply is available to service the subdivision. Impacts on water and wastewater treatment would be minimal because a water and wastewater permit would be required before installation of any new systems. The proposed water supply and wastewater treatment would be required to be reviewed and approved by the Flathead County Environmental Health Department and the Montana Department of Environmental Quality as applicable prior to final plat approval.

3. Stormwater

The submitted application includes a conceptual plan for the management of stormwater. The Environmental Assessment states, “Runoff [...] from the paved subdivision road will flow into roadside grass swales with gentle sloped sides [...] to provide adequate short term storage capacity. [...]. No runoff from new impervious areas and newly graded vegetated areas will be discharged offsite. Runoff from driveways, parking areas, roofs and other impervious surfaces developed on each lot will flow to landscape swales on each lot.”

The storm water drainage plan calls for swales at the top of the slope along the west side of lots 2, 3 and 4 and along the proposed Round Stone Drive for lot 1. The proposed drainage swales would allow stormwater from the proposed subdivision to be collected and absorbed on-site, preventing direct discharge onto adjoining properties or into Ashley Creek. The proposed stormwater management plan would be required to be reviewed and approved by the Flathead County Environmental

Health Department and the Montana Department of Environmental Quality, as applicable, prior to final plat approval.

Finding #14 – The effects of this proposed subdivision on public health and safety in regard to the proposal for water, wastewater treatment, and stormwater management is acceptable with conditions because the water, wastewater treatment systems and stormwater management plan would be required to be reviewed and approved as applicable by the Flathead County Environmental Health Department and the Montana Department of Environmental Quality, the drainage swales would limit runoff onto neighboring lots and Ashley Creek and well logs and soil profiles seem to demonstrate that the quantity and quality of water supply is available to service the subdivision.

4. Traffic Safety

Primary access to the proposed subdivision is via Cemetery Road a paved county collector. Cemetery Road is a two-lane paved road within 60 foot easement. Cemetery Road connects Highway 93 with the Highway 93 Bypass via Airport Road. Access to the lots will be from the proposed Round Stone Drive. Round Stone Drive will be a paved road within a sixty foot easement and comply with Flathead County Road and Bridge Department Minimum Standards for Design and Construction. Round Stone Drive will have a 50 foot cul-de-sac radius to provide sufficient room for emergency vehicles to get to the proposed lots and turn around.

Because of the traffic speeds and cleared view sheds at proposed intersection of Cemetery Road and Round Stone Drive, it appears that there is sufficient and safe access for vehicles traveling along Cemetery Road. Comments from the Flathead County Road and Bridge Department indicate no concerns with this proposal.

Finding #15 – Impacts of the proposed subdivision on the area road network appear to be acceptable because adequate legal and physical access exists to the subdivision via Cemetery Road a paved County collector, lots are accessed via the proposed Round Stone Drive and sufficient roadways exist for emergency vehicles and general traffic to access the subject property and turn around.

5. High Voltage Electric Lines/High Pressure Gas Lines

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

6. Fire and Emergency Services

The proposed subdivision is located within the South Kalispell Fire District with the nearest fire station located on Willow Glen Drive approximately 1.0 road mile northeast of the subject property. Because of the proximity to the proposed subdivision the South Kalispell Fire Department anticipates a response time of approximately 5 minutes. An email from the South Kalispell Fire Department states, “Firefighting and medical resources would not be unduly burdened by the addition of this development, and adequate resources are currently in place to provide protection to this area as planned.”

It is anticipated that the proposed subdivision would not overburden the district as the site is within an acceptable distance to the fire station and all lots have access.

Ambulance service would be available to serve the proposed subdivision, as well as ALERT service by the Kalispell Regional Medical Center.

7. Geologic Hazards

The subject property is located in a relatively flat area of Flathead County and the Preliminary Plat indicates a slope located along the banks of Ashley Creek which is designated as a no-build zone. According to the Environmental Assessment submitted with the application materials, no evidence of unstable soils, rock outcroppings, falls or slides indicating significant geologic hazards is present on the subject property.

8. Avalanche Hazards

The subdivision is not located in an area of the county considered to be prone to avalanche hazards.

Finding #16 – Minimal risks to public health and safety are anticipated because there are no high voltage electric or high pressure gas lines on or around the subject property and there are no apparent hazards associated with geology or avalanche.

9. Airport Influence Areas

The subject property is located less than a half mile south of the Kalispell Municipal Airport. According to the City of Kalispell Airport Affected Area, the property is located within the airport Horizontal Zone and located in the Airport Influence Zone. Pursuant to MCA 67-7-202, Flathead County and the City of Kalispell entered into an interlocal agreement that was approved by the Flathead County Commissioners on January 30, 2006, to provide members to the Airport Affected Area Regulation Board and defer to the zoning regulations proposed by that board and enacted by the City. The horizontal zone is defined as, *“the area within a perimeter established by swinging 5000 foot arcs from 200 feet beyond the existing runways’ extended runway centerlines and then connecting the arcs by line tangent to those arcs.”* Kalispell Ordinance No. 1745 the Horizontal Zone has a height restriction of 150 feet above the airport elevation. The elevation of the runway is approximately 2985.7 feet and the highest elevation on the subject property is approximately 2949 feet. The proposed I-1 zoning allows for a maximum height of 40 feet. It appears that the subdivision will not impact air traffic at the Kalispell City Airport.

Finding #17 – Minimal risks to public health and safety from the airport influence area is anticipated because the property is located in the Airport Horizontal Zone which has a height restriction of 150 feet above the airport elevation, the subject property is located below the elevation of the runway and the future I-1 zoning has a maximum building height if 40 feet.

10. Soils

As previously stated, soils on the subject property consist of Kalispell loam (Ke) with 0 to 3 percent slopes, Kalispell gravelly (Kd) loam, moderately deep over gravel with 12 to 40 percent slopes and poorly drained Alluvial land (Aa). According to the soil survey, the Aa and Kd soil classifications are not considered prime farmland but Kd is considered well drained. Ke is considered prime farmland if irrigated and is well drained. According to the Soil Map the majority of the Aa soil is located in the riparian area and floodplain and will be classified as a no-build zone.

Finding #18 – Minimal risks to public health and safety are anticipated with the imposition of conditions because soils on the subject property appear to be appropriate to support the future infrastructure.

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

Finding #19 – 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 #20 – No variances are requested or required. The proposed subdivision is in general compliance with the Flathead County Subdivision Regulations, effective December 1, 2014 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

April 27, 2016

ii. Application Deadline Date (6 months from pre-application)

October 27, 2016

iii. Application Submittal Date

July 11, 2016

iv. Completeness Date

July 15, 2016

v. Sufficiency Date

August 22, 2016

vi. Agency Referral Requests Mailing Date

August 22, 2016

vii. Adjacent Property Notification Mailing Date

September 23, 2016

viii. Legal Notice Publication Date

September 25, 2016

ix. On-site Posting of Public Hearing Date

September 27, 2016

Finding #21- 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 December 1, 2014.

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

Finding #22 – The preliminary plat identifies adequate easements on-site for utilities to serve the subdivision. All other easements associated with this subdivision shall be clearly located on the Final Plat or documentation of the easement shall be provided to satisfy applicable requirements of the Montana Subdivision and Platting Act and the Flathead County Subdivision Regulations.

F. Provision of Legal and Physical Access to Each Parcel

Finding #23 – Cemetery Road will provide legal and physical access to the subdivision and the proposed Round Stone Drive will provide legal and physical access to the individual lots via individual driveways.

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 the Kalispell City-County Master Plan. The proposed zoning map amendment appears to comply with the text and map of the Kalispell City-County Master Plan because the majority of the property is designated as ‘Light Industrial’ and the property is located near other industrial zoning and it would establish additional areas for light industrial near annexed areas of the city.

ii. Flathead County Growth Policy

The Flathead County Growth Policy is a general policy document that meets the requirements of 76-1-601, MCA and was updated on October 12, 2012. The location is in an area of the county that is designated as ‘Suburban Agricultural’ on the Flathead County Designated Land Use Map which is a reflection of zoning at the time the map was adopted. Regulations adopted by Flathead County used in the review of subdivisions are an implementation of the goals and policies established in 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

The subject property is located within the Westside Zoning District and is currently zoned ‘SAG-10 Suburban Agricultural.’ The applicant has requested a zoning map amendment for the property to zone it ‘I-1 Light Industrial.’ Per Section 3.07 of the Flathead County Zoning Regulations (FCZR), SAG-10 is ‘A district to provide and preserve agricultural functions and to provide a buffer between urban and unlimited agricultural uses, encouraging separation of such uses in areas where potential conflict of uses will be minimized, and to provide areas of estate-type residential development.’

The I-1 designation is defined in Section 3.27 FCZR as, ‘A district to provide areas for light industrial uses and service uses that typically do not create objectionable by-products (such as dirt, noise, glare, heat, odors, smoke, etc.), which extend beyond the lot lines. It is also intended that the encroachment of non-industrial uses within the district be prevented other than those listed herein.’

Finding #24 – The proposed subdivision will be in compliance with local zoning because the lot is currently zoned SAG-10 but is in the process of obtaining a zone change on the lot to I-1 which will allow for smaller industrial lots.

V. SUMMARY OF FINDINGS

1. There would be minimal impact on agriculture because discontinuation of hay production on site would have minimal impact on hay production rates and adjacent properties are not dependent upon the subject property for agricultural use.
2. There would be no impact to agricultural water user facilities because the subject property is not currently irrigated for agricultural purposes, has no irrigation infrastructure on site, is not in an irrigation district, and is not party to any existing irrigation agreements.
3. The subdivision will have minimal impact on water and wastewater appears to be acceptable with the imposition of conditions the subdivision will utilize the wells and onsite septic, not be required to connect to City services and both the water and wastewater system will be required to be reviewed and permitted by the Montana Department of Environmental Quality as applicable.
4. Impacts on schools, recreation and mail delivery will be acceptable with standard conditions because the proposed subdivision would have no impact on local schools, mail delivery shall be approved by the postmaster, the final plat shall be required to have a 15 feet wide easement for a pedestrian/bicycle path along Cemetery Road and no other recreational facilities are required for commercial or industrial subdivisions.
5. The road system appears to be acceptable with the standard conditions as the primary access would be from the proposed Round Stone Drive via Cemetery Road, Cemetery Road is a paved County collector within an appropriate right of way, each lot has legal and physical access via Round Stone Drive which shall be constructed to comply with the Flathead County Road and Bridge Department Minimum Standards for Design and Construction.
6. Impacts on fire/medical and police services would be minimal with standard conditions because the lots within the proposed subdivision would utilize would be served within an acceptable response time by the Evergreen Fire District and Flathead County Sheriff's Department in the event of an emergency.
7. Impacts on solid waste disposal and other utilities would be acceptable with standard conditions because the lots within the proposed subdivision would utilize contract haul services for solid waste management, and future utilities would be required to be underground in conformance with the applicable regulations.
8. Adverse impacts to water quality as a result of the subdivision are not anticipated because the lots would use proposed septic system, the retention swales would be located in areas to limit storm water runoff into Ashley Creek, both Kd and Ke soils would be well suited to subsurface sewage treatment systems where the drainfields will be primarily located 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.
9. Adverse impacts to air quality and of noise are anticipated to be acceptable with standard conditions as all roads accessing the subdivision are already paved, a Dust

Abatement Plan was provided to mitigate potential issues of dust during construction and impacts of noise are not expected to extend beyond property lines.

10. No impacts to the flora, floodplain and riparian/ wetland area are anticipated as the subject property as the applicant proposed and will be required to have a no-build zone within the Special Flood Hazard Area between 90 and 400 feet, monitoring will be done by each landowner within the riparian boundary and a weed management plan shall be approved by the Flathead County Weed Board prior to final plat approval.
11. Impacts to historical features are not anticipated as the subject property contains no historical structures.
12. Impacts to wildlife and wildlife habitat are anticipated to be minimal and acceptable as the property will contain a vegetative buffer, which does not permit structures for human occupancy, sewage disposal systems, accessory structures or roads and the vegetative buffer will be maintained and monitored.
13. The proposal would not introduce adverse impacts to public health and safety in regard to flood risk because the areas delineated as 100 year floodplain have been designated as “No Build Zones” on the preliminary plat and can be conditioned for the final plat which will minimize future impact on public health and safety of the subdivision.
14. The effects of this proposed subdivision on public health and safety in regard to the proposal for water, wastewater treatment, and stormwater management is acceptable with conditions because the water, wastewater treatment systems and stormwater management plan would be required to be reviewed and approved as applicable by the Flathead County Environmental Health Department and the Montana Department of Environmental Quality, the drainage swales would limit runoff onto neighboring lots and Ashley Creek and well logs and soil profiles seem to demonstrate that the quantity and quality of water supply is available to service the subdivision.
15. Impacts of the proposed subdivision on the area road network appear to be acceptable because adequate legal and physical access exists to the subdivision via Cemetery Road a paved County collector, lots are accessed via the proposed Round Stone Drive and sufficient roadways exist for emergency vehicles and general traffic to access the subject property and turn around.
16. Minimal risks to public health and safety are anticipated because there are no high voltage electric or high pressure gas lines on or around the subject property and there are no apparent hazards associated with geology or avalanche.
17. Minimal risks to public health and safety from the airport influence area is anticipated because the property is located in the Airport Horizontal Zone which has a height restriction of 150 feet above the airport elevation, the subject property is located below the elevation of the runway and the future I-1 zoning has a maximum building height if 40 feet.
18. Minimal risks to public health and safety are anticipated with the imposition of conditions because soils on the subject property appear to be appropriate to support the future infrastructure.

19. 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.
20. No variances are requested or required. The proposed subdivision is in general compliance with the Flathead County Subdivision Regulations, effective December 1, 2014 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.
21. 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 December 1, 2014.
22. The preliminary plat identifies adequate easements on-site for utilities to serve the subdivision. All other easements associated with this subdivision shall be clearly located on the Final Plat or documentation of the easement shall be provided to satisfy applicable requirements of the Montana Subdivision and Platting Act and the Flathead County Subdivision Regulations.
23. Cemetery Road will provide legal and physical access to the subdivision and the proposed Round Stone Drive will provide legal and physical access to the individual lots via individual driveways.
24. The proposed subdivision will be in compliance with local zoning because the lot is currently zoned SAG-10 but is in the process of obtaining a zone change on the lot to I-1 which will allow for smaller industrial lots.

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 draft Findings of Fact prepared herein, or identified impacts 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 developer shall receive physical addresses in accordance with Flathead County Resolution #1626C. All road names shall appear on the final plat. Street addressing shall be assigned by Flathead County. [Section 4.7.16(g)(iv) and 4.7.26(c) Flathead County Subdivision Regulations (FCSR)]
2. The developer shall comply with reasonable fire suppression and access requirements of the South Kalispell Fire District. A letter from the 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. Design and construction of all internal subdivision roads shall be certified by a licensed engineer and constructed and paved as proposed 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 developer shall provide a compliant Road Users' Agreement or CC&R document 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, approved, and permitted as applicable by the Flathead City-County Health Department, and approved by the Montana Department of Environmental Quality. [Sections 4.7.20 and 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 developer has met their requirements shall be included with the application for final plat. [Section 4.7.28 FCSR]
9. 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]
10. 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]
11. 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]
12. 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]
13. The final plat shall comply with state surveying requirements. [Section 76-3-608(b)(i) M.C.A.]
14. 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 (DEQ) General Permit for Stormwater Discharges Associated with Construction Activity (General Permit) shall be obtained prior to any site disturbance or construction and a copy of the DEQ confirmation letter shall be provided to the Flathead County Planning & Zoning office prior to final plat approval. [17.30.1115 Administrative Rules of Montana (A.R.M.)]
15. 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]
16. 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]
17. 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

18. The zoning map amendment from SAG-10 to I-1 must be approved for the subject property prior to final plat approval.
19. The applicant shall show proof of a completed approach permit from the Flathead County Road and Bridge Department for the approach of the internal subdivision road indicating the approach has been built and received final inspection and final approval. [Section 4.7.16, FCSR]
20. The delineated SFHA 100-year floodplain and Base Flood Elevation shall be shown and labeled as a 'No Build Zone' on the face of the final plat. [Sections 4.7.5(a & d) and 4.7.9 FCSR]
21. The Riparian Resource Management Plan shall comply with 4.7.11 FCSR and be approved by the Commission. [Section 4.7.11 FCSR]

22. A bike/pedestrian path easement of compliant width shall be shown on the face of the final plat. [Sections 4.7.19 FCSR]

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