

FLATHEAD COUNTY PLANNING AND ZONING OFFICE
SUBDIVISION REPORT #FPP-16-06
ANDERSEN ROE SUBDIVISION
OCTOBER 26, 2016

This is a report to the Flathead County Board of Commissioners regarding a request for preliminary plat approval of Andersen-Roe, a major subdivision that would create one additional residential lot. The proposed subdivision is located on the north side of Mennonite Church Road, one-half mile east of Montana Highway 35.

The Planning Board will hold a public hearing in in the Earl Bennett Building conference room at 1035 First Avenue West, Kalispell on November 9, 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 January 5, 2017. Documents pertaining to this application are available for public inspection at the Flathead County Planning and Zoning Office, located at 40 11th Street West Suite 220 Kalispell, Montana.

I. APPLICATION REVIEW UPDATES

A. Land Use Advisory Committee

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

B. Planning Board

The Flathead County Planning Board will hold a public hearing on the proposed subdivision on November 9, 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 prior to January 5, 2017 which is the end of the 60 working day statutory review period. This space is reserved for a summary of the Commissioner's discussion and decision.

II. GENERAL INFORMATION

A. Application Personnel

i. Applicant/Owner

Gwyn Andersen
111 Barron Way
Kalispell, MT 59901

ii. Technical Assistance

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

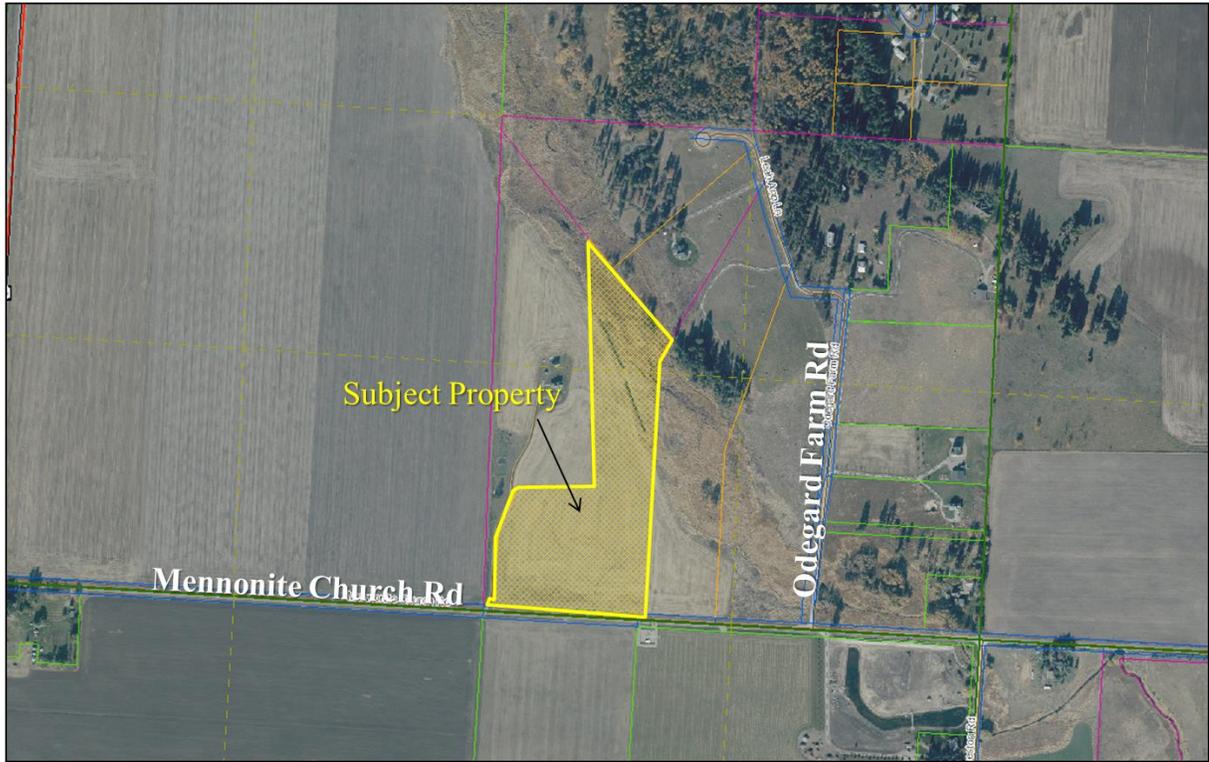
B. Project Description:

The proposed subdivision would create two residential lots on 20.61 acre parcel. The minimum lot size would be 5 acres and the maximum lot size would be 15.61 acres in size. Both lots would be served by individual wells and wastewater treatment systems and would be accessed by Mennonite Church Road. The subject property contains wetlands and 100 year floodplain and therefore contains 'No Build Zones' and a 200 foot building envelope along the southern end of the property.

C. Legal Description:

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

Figure 1: Subject property (highlighted yellow)



D. Detailed Location

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

E. Subdivision Layout Detail

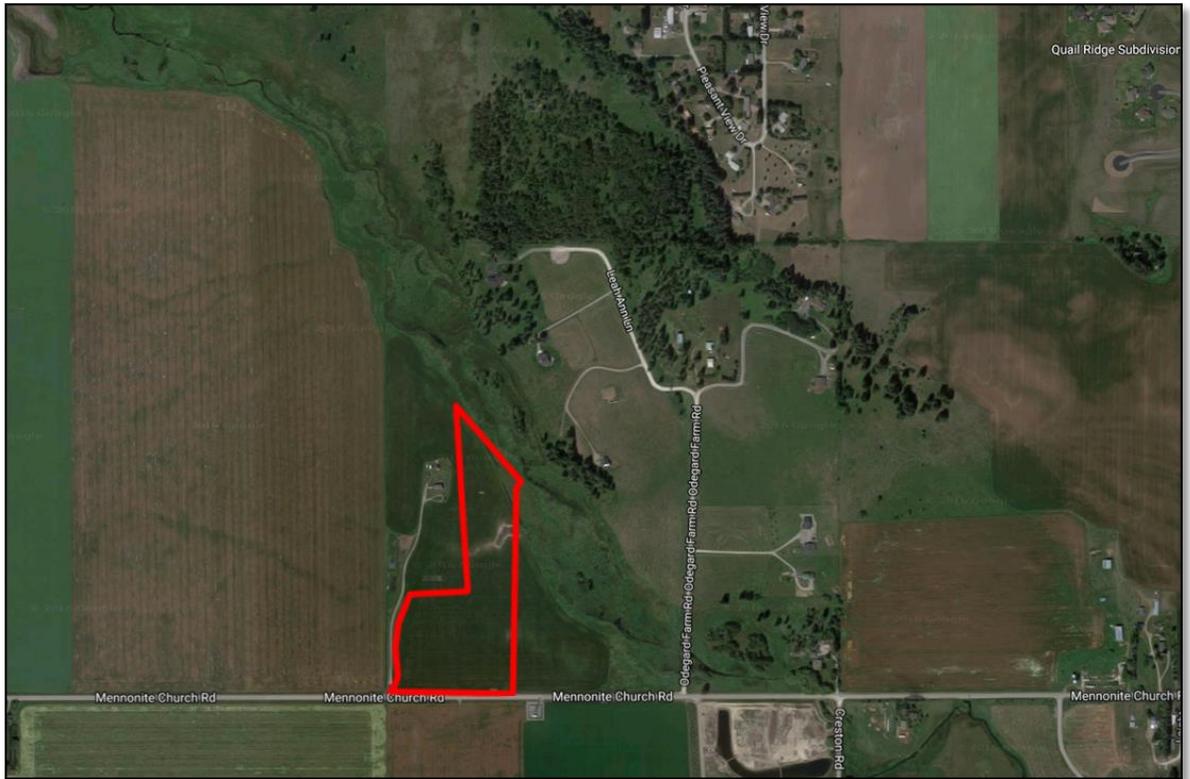
i. Total Subdivision Acreage	20.61 acre
ii. Acreage in Lots (net)	20.04 acre
iii. Acreage in Streets/Roads (net)	0.57 acre
iv. Park, Common Area and/or Open Space Acreage (net)	0.00 acre
v. Minimum Lot Size	5.00 acre
vi. Maximum Lot Size	15.61 acre
vii. Overall Gross Lot Density	1 DU/ 10.31 acre

F. Administrative Characteristics

i. Current Land Use

The subject property is currently undeveloped.

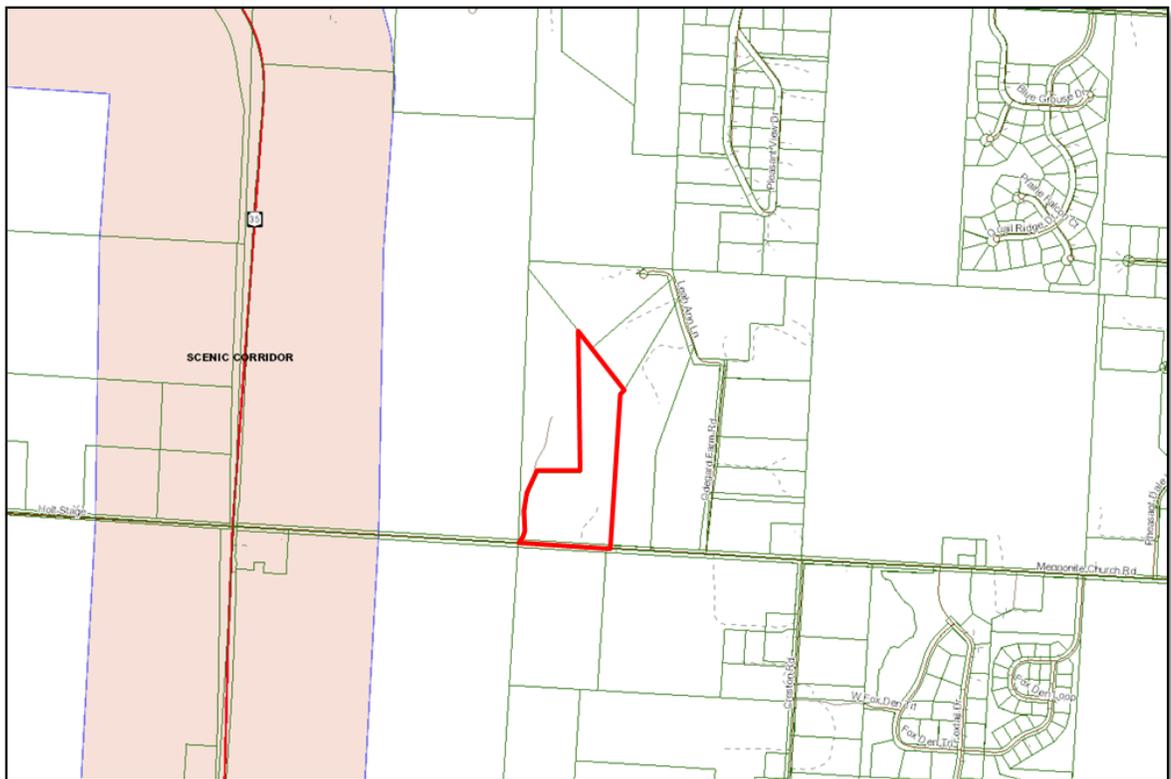
Figure 2: Adjacent and use (subject property outlined in red)



ii. Current Zoning

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

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



iii. Proposed Land Use

The proposed subdivision would create two residential lots. According to the application and existing septic permit, Lot 2 would be used for a Bed and Breakfast.

G. Area Characteristics

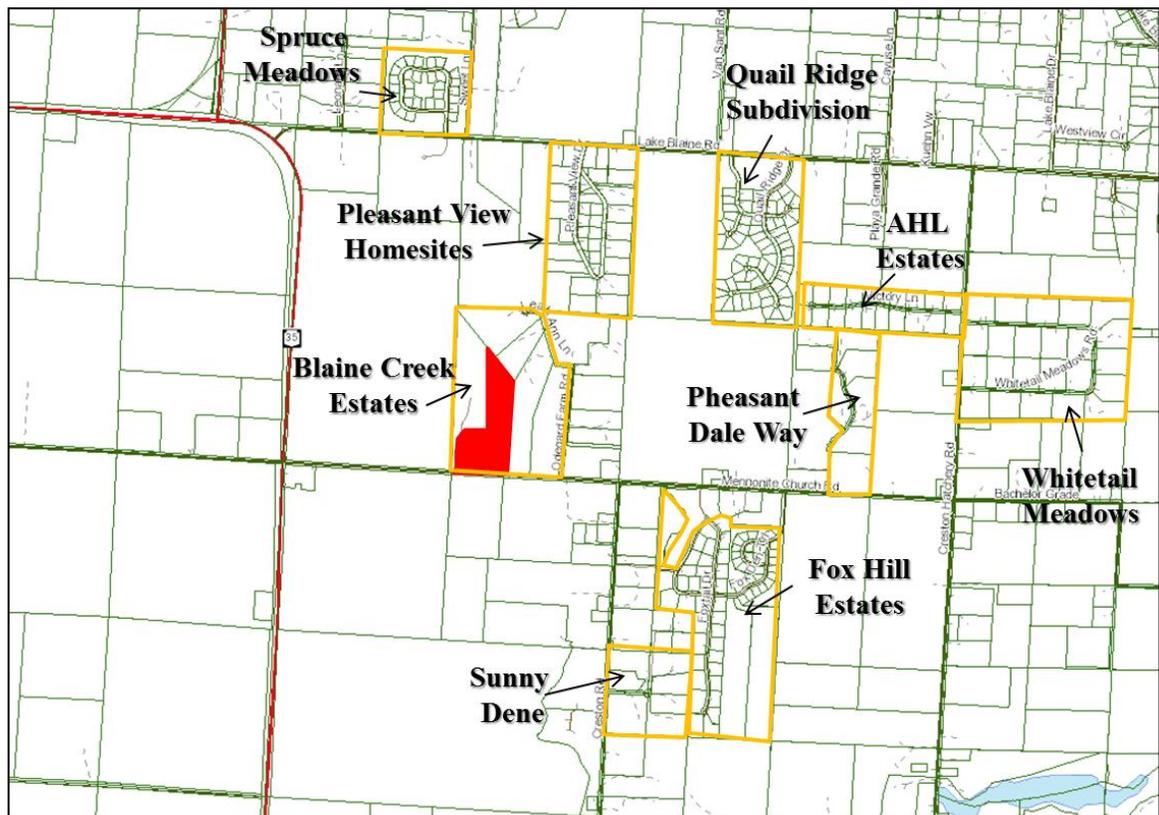
i. Description of Area Surrounding Proposed Subdivision

The area surrounding the subject property is generally an agricultural area with rural residential uses, however Creston Topsoil is located less than ¼ mile east of the property south of Mennonite Church Road.

ii. Average Parcel Acreage

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

Figure 4: Adjacent parcels and major subdivisions (outlined in orange)



iii. Zoning

As previously stated, the subject property is not zoned.

iv. Land Uses

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

H. Utilities and Services

i. Water

Individual well

ii. Wastewater

Individual septic systems

iii. Electricity

Flathead Electric Cooperative

iv. Natural Gas

N/A

v. Solid Waste

Contract haul

vi. Telephone Service

CenturyTel

vii. Schools District(s)

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

viii. Fire Districts

Creston Fire District

ix. Police

Flathead County Sheriff's Department

III. COMMENTS RECEIVED

A. Agency Comments

The subdivision file contains a copy of the agency referral document sent on October 12, 2016. As of the date of completion of this staff report, the following comments have been received:

- Julie Weber, BPA
 - 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 objection to the approval of this request at this time."
- Kenny Breidinger and Jessy Coltrane, MT Fish, Wildlife and Parks
 - Comment: "Montana Fish, Wildlife and Parks has no comment with regard to the above-referenced subdivision."
- David Prunty, Flathead County Road and Bridge Department
 - Comment: "At this point the County Road Department does not have any comments on this request."
- Marc Pitman, MT DNRC Water Resources Division
 - Comment: "Individual wells will be considered a combined appropriation. Under the water right permit exceptions of MCA 85-2-306 3 (iii). The total combined annual volume of groundwater used by the two lots cannot exceed 10 AF/year. Based upon the limited information provided this should allow the owners to file water rights after wells are drilled and water put to use on a DNRC Form 602. A permit is required prior to using groundwater if a combined appropriation exceeds 10 AF/year.
 - Lot 2 is located in an Approximate Zone A floodplain of Blaine Creek. A BFE should be determined to more accurately determine the boundary of the floodplain. The approximate boundary cuts across the 2968 ft. and 2970 ft. contour. Based on contour interpolation the BFE is close to 2970'. If 2970' is the BFE then the proposed drainfield location may be too close to the floodplain. The BFE may be less than 2970' but a more detailed method as explained in the attached document would need to be performed in order to show that a lower BFE is appropriate."

B. Public Comments

In accordance with Section 4.0.14, adjacent property notification was mailed to neighboring property owners within 150 feet of the proposed subdivision on October 21, 2016, legal notice was published in the Daily Interlake on October 23, 2016, and notice of the proposal and public hearing was physically posted onsite on October 21, 2016.

As of the date of the completion of this staff report, no written public comments have been received regarding the proposal. Any written public comment received after October 26, 2016 will be summarized verbally and entered into the public record during the Planning Board hearing on

November 9, 2016. Anyone wishing to provide verbal public comment may do so in person at the Planning Board hearing.

IV. EVALUATION OF SUBDIVISION PRELIMINARY PLAT

A. Review Criteria

Findings in this portion of the report are applicable to the impacts of the proposed subdivision on the review criteria listed.

i. Impact on Agriculture

The subject property is located within an area of Flathead County with productive soils and significant agricultural use. Aerial imagery of the area shows the large acreage to the east and west is currently used for agricultural production. The application and Montana Cadastral note that the subject property has also been used for spring wheat production in recent years. The NRCS web soil survey also notes that approximately half of the subject property has Creston silt loam (Ce) and Corvallis silty clay loam (Ce) which are considered prime farmland or prime farmland if irrigated. The remaining portion of the lot adjacent to Blaine Creek contains Alluvial land (Aa) which is poorly drained and inappropriate for wheat production. Because of the quality of the soils on the property, it is reasonable to conclude that approximately 10 acres of agricultural land will be removed productive use as the 5 and 15 acre lots may not have sufficient room for continued agricultural use. However, the division of the subject property, and presumably removal of agricultural use, will not likely affect the surrounding properties from being used for agricultural production.

Finding #1- The proposed division of land will likely reduce agricultural use in an area of prime farmland because the property has historically been used for spring wheat production and the 5 and 15 acre lots may not have sufficient room for continued agricultural use; however the division of land will not likely impact surrounding properties from continuing agricultural use.

ii. Impact on Agricultural Water User Facilities

According to the application, the subject property does not contain agricultural water works, wells, canals, irrigation ditches or pump houses on-site. The proposed division does not appear to impact agricultural water user facilities adjacent to the property, if any exist.

Finding #2- The proposed subdivision would have no impact on agricultural water user facilities because no such facilities are located on-site or would be impacted on adjacent property.

iii. Impact on Local Services

1. Water and Wastewater

There are no public water or wastewater services within the proximity to the proposed subdivision and therefore both lots will be served by individual wells and septic systems.

The lot currently contains two septic systems, one serving the adjacent lot (207 Mennonite Church Road) and one installed in 2016 for the proposed Bed and Breakfast on Lot 2. According to comment from Marc Pitman of the DNRC Water Resources Division, the BFE of Blaine Creek at the location may be located within 20 feet of the drainfield. Because the applicants applied for and installed the septic system before the subdivision application was submitted to the Planning Office and because the drainfield appears to be located south of the septic tank and therefore farther away from the SFHA of Blaine Creek, it would seem reasonable to conclude that the drainfield is located a safe distance from the 100-year floodplain. Because of this it has been determined in conjunction with the Environmental Health Department that the system will not need to be removed. However, an easement should be placed on the proposed Lot 1 for the septic system that serves the adjacent lot. Based on analysis presented with the MDEQ submittal, it appears that another septic system could be placed for a residence on Lot 1. Because the proposed lots are less than 20 acres in size, the proposed water, wastewater, and stormwater management will need to be reviewed and approved, as applicable, by the Montana Department of Environmental Quality and the Flathead County Environmental Health Department.

Comment from the DNRC Water Resources Division also notes “Individual wells will be considered a combined appropriation. Under the water right permit exceptions of MCA 85-2-306 3 (iii) the total combined annual volume of groundwater used by the two lots cannot exceed 10 AF/year. Based upon the limited information provided this should allow the owners to file water rights after wells are drilled and water put to use on a DNRC Form 602. A permit is required prior to using groundwater if a combined appropriation exceeds 10 AF/year.” The applicants will be required to file DNRC Form 602, however it does not appear that the water proposal would create a significant impact or require mitigation via conditions of approval.

2. Schools

The subject property is located within the Creston School District (Cayuse Prairie Elementary) for K-8 students and Flathead High School for high school students. Because the proposal will create one additional lot, it is not expected that the impacts to local schools will create a significant impact.

3. Mail Delivery

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

4. Recreation

The subdivision occurs in an area with abundant recreational opportunities available. Nearby public lands, rivers, and lakes offer opportunities for activities such as lake related water sports, hiking, bicycling, and hunting and fishing. As only one additional residential lot would be created as a result of the proposed subdivision, pursuant to Section 4.7.24(a)(iv) FCSR, parkland is not required.

The Flathead County Trails Plan designates Mennonite Church Road as a proposed collector therefore a bicycle and pedestrian easement will be required along the west side of the subject property running parallel to Mennonite Church Road in compliance with Section 4.7.19 FCSR.

5. Roads

Primary access to the subdivision is Mennonite Church Road, a paved County-maintained road within a 60 foot easement. The road was paved in 2009 as part of RSID #147 and the new lot would be located within the RSID boundaries and thus assessed the proportional share of the fees associated with the RSID. Both lots have existing and approved access to Mennonite Church Road; Lot 1 has an existing shared approach with the lot to the west and Lot 2 has a single driveway approach. The lots are located along a straight stretch of Mennonite Church Road with good site distance visibility. Because the proposed subdivision will create one new lot, only 10 additional vehicle trips are expected if a single family residence is constructed. Vehicle trips for a bed and breakfast are dependent on the number of rooms and therefore not known at this time.

6. Fire/Emergency Medical Services

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

7. Police Services

The proposed subdivision is located in a rural area of Flathead County and would be served by the Flathead County Sheriff’s Department. Given existing staffing levels and shift rotations, the size of the county and the dispersed nature of the population, delayed response times in the event of an emergency may be anticipated. The property’s distance from the Sheriff’s Department in Kalispell would result in response times being slower than response times in more urban areas of the County.

8. Solid Waste Disposal

The applicant has indicated that solid waste will be collected via contract haul as required by the Flathead County Solid Waste Department and Flathead County Subdivision Regulations. Evergreen Disposal collects solid waste in the area and the applicant will be required to provide a letter from Evergreen Disposal indicating their ability to serve the lots at the time of final plat approval.

9. Other Utilities

Electric, telephone and gas utilities are located underground along Mennonite Church Road and will be extended underground to serve both lots of the proposed subdivision as required by FCSR Section 4.7.23.

Finding #3- Impact on local services including water/wastewater, schools, mail delivery, recreation, roads, fire/emergency medical services, police, solid waste, and utilities appear to be acceptable with the imposition of conditions because the proposal with regards to these elements meets the requirements of the Flathead County Subdivision Regulations and will require appropriate review and approvals by other agencies before final plat approval.

Finding #4- Impacts on recreational services will be appropriate with conditions if a 15 foot bicycle and pedestrian easement is illustrated on the face of the plat per FCSR Section 4.7.19.

Finding #5- Based on comment from the DNRC Water Resources Division, the existing drainfield on Lot 2 may be located too close to the SFHA of Blaine Creek if the BFE is determined to be at an elevation of 2970'.

iv. Impact on the Natural Environment

1. Water Quality

As shown on the preliminary plat, Blaine Creek courses along the northeast side of the subject property. Because less than 100 feet of the creek crosses the property line of the subject property at the time of this proposal and because a No Build Zone and a sufficiently distant Building Envelope exists on the property, a Riparian Resource Management Plan was not required with the proposed subdivision. Additionally, areas illustrated as shallow groundwater are shown on the plat and should be located within a No Build Zone. While the applicant's Environmental Assessment states that there are no wetlands, the Montana Natural Heritage Program shows areas on the property contain wetlands or riparian characteristics. If the No Build Zone is modified to more accurately follow the boundaries of the 100 year floodplain per 30029C1835J, these sensitive environmental areas should be adequately protected from development and degradation.

Wastewater would be served by individual septic systems one of which is already installed on proposed Lot 2. The one additional septic system for a residential structure is not likely to significantly impact water quality. The MDEQ submittal provided with the preliminary plat application indicates appropriate phosphorus and nitrate/nitrite levels. Additionally, the 885.62 cf of additional runoff as a result of development will be adequately contained with roadside ditches along Mennonite Church Road and retention basins and should not be allowed to run into Blaine Creek.

2. Air Quality

Air quality associate with the proposed subdivision will be minimal with the imposition of conditions because access to the lots exists via paved roadways and the only disturbance of the site will occur during development of buildings. The applicants have provided a Dust Control Plan as required by FCSR Section 4.7.14. A note should be placed on the face of the final plat that requires the owners of both lots to abide by the guidelines set forth in the plan during and after site construction and development activities. The owners of the proposed lots should be aware that they are purchasing a lot within an area of Flathead County used for agricultural production and dust from such activities may be noticed onsite.

3. Impact of Noise

Impacts related to noise as a result of the subdivision will be minimal and limited to residential and bed and breakfast related activities. Noise may be expected as a result of construction but

will be limited to this period of development. However, owners of the proposed lots should be aware that they are purchasing a lot within an area of Flathead County used for agricultural production and noise from such activities may be heard onsite.

4. Impact to Flora

As noted previously, the subject property has historically been used for spring wheat production. Because of this the impacts to flora will be minimal with the imposition of conditions. The area around Blaine Creek contains riparian flora including small shrubs and grasses that will likely be protected if the No Build Zone is modified to encompass the boundaries of the 100 year floodplain which appear to follow the location of these riparian areas. Also, the preliminary plat limits the development of both lots to a 200 foot buffer strip covering approximately 3.67 acres or 18% of the subject property. Because the location of the building envelope is towards the southern end of the lots away from Blaine Creek, wetlands, and floodplain, it appears that impact to flora will be minimal and acceptable.

5. Impact to Floodplain

According to FEMA Map Number 30029C1835J, the subject property contains areas mapped as Zone X and Special Flood Hazard Area - Zone A. As indicated on the preliminary plat the proposed building sites will be located within the 200' building envelope which is outside of the 0.1% annual chance flood area (100-year floodplain). In order to minimize potential damage to structures and harm to residents due to flooding, the boundaries of the No Build Zone should be modified to encompass the boundaries of the SFHA illustrated on the FIRM panel 30029C1835J.

6. Impact to Riparian/Wetland Areas

According to the Montana Natural Heritage Program's wetland and riparian map the northeastern subdivision boundary within the Blaine Creek drainage contains riparian wetland vegetation. The creek is currently undisturbed with no restoration or alterations proposed. As proposed, the subdivision would not impact riparian or wetland areas on or adjacent to the subject property because those areas are encompassed in an area designated as 'No Build Area' on the preliminary plat. Areas of the subdivision with wetlands or riparian vegetation correlate with areas of shallow groundwater and are considered unsuitable for development, and therefore should be required to be shown and designated as 'No Build Zone' on the final plat pursuant to Sections 4.7.9 FCSR.

7. Impact to Historical Features

The subject property is in an area where there are no apparent historical structures and therefore the proposal is not anticipated to impact historical features.

Finding #6- Impacts on the natural environment appear to be acceptable with the imposition of conditions because impacts to water quality, air quality, impacts of noise and dust, impacts to flora, floodplain, riparian/wetlands, and impact to historical features appear to be minimal and meet design standards outlined in the Flathead County Subdivision Regulations.

Finding #7- Impacts to floodplain, flora, wetlands and riparian areas will be acceptable if the No Build Zone on the face of the plat is modified to follow the boundaries of the Zone A floodplain outlined on FEMA FRIM panel 30029C1835J and the intermittent ponding area is illustrated as a No Build Zone.

v. Impact on Wildlife

The subject property is located in a rural, agricultural location with areas of suburban residential development. The terrain consists of open field historically used for spring wheat production with riparian and wetland vegetation along Blaine Creek. The Environmental Assessment notes "there are the typical fish species that use Blaine Creek, although this is not designated as habitat for Bull trout. Wildlife could include white tail deer wandering through, raccoons, fox, coyote, pheasants, turkeys or other wildlife that are associated with rural development." In addition the Montana Natural Heritage Program indicates 11 fish, bird and mammal 'species of concern' within Township 28 North, Range 20 West. These include the Great blue heron, Long billed curlew, the Great gray owl, Wolverine, Hoary bat, Fisher weasel, Grizzly bear, Westslope cutthroat, Pygmy whitefish, and Bull trout.

However, only the Long-billed curlew appears to have habitat found on the subject property. No endangered species have habitat on the property. Comment from Montana Fish Wildlife and Parks indicates no concern with regard to wildlife associated with the proposed subdivision. It appears that there will be minimal impact to wildlife as a result of the proposed subdivision.

Finding #8- Impact to wildlife as a result of the subdivision appears to be minimal because no endangered species are known around the property and only one species of concern has habitat found on the property.

vi. Impact on Wildlife Habitat

The subject property is approximately 20 acres in size and consists primarily of flat open field. According to data from the Montana Natural Heritage Species of Concern Program, 11 fish, bird and mammal 'species of concern' within Township 28 North, Range 20 West. While the Long billed curlew habitat preference is grassland, the other species of concern have habitats not found on the subject property. The No Build Zone around the riparian area along Blaine Creek which could be sensitive environmental will be protected for development. The subdivision's building envelope permits development within a 3.67 acre area leaving approximately 16 acres of undeveloped land for habitat migration. Comment from Montana Fish Wildlife and Parks indicates no concern with regard to wildlife habitat associated with the proposed subdivision. It appears that there will be minimal impact to wildlife as a result of the proposed subdivision.

Finding #9- Impacts to wildlife habitat appear to be minimal and acceptable because only one species of concern has habitat found on the property and the developer is proposing a 3.67 acre building envelope on the 20 acre parcel which will reduce habitat fragmentation along the Blaine Creek riparian corridor.

vii. Impact on Public Health and Safety

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

1. Flood Risk

According to FEMA Map Number 30029C1835J, the subject property contains areas mapped as Zone X and Special Flood Hazard Area - Zone A. As indicated on the preliminary plat the proposed building sites will be located within the 200' building envelope which is outside of the 0.1% annual chance flood area (100-year floodplain). Because development will be limited to the building envelope located along the southern side of the property away from Blaine Creek SFHA, flood risk will be minimal and acceptable.

2. Water and Wastewater Treatment

Existing public water and sewer services are not available for the proposed subdivision and therefore both lots will be served by individual wells and septic systems. Lot 2 is currently developed with a permitted septic system designed for a bed and breakfast. Submitted material indicates the property is prone to shallow groundwater and the new septic/drainfield system for Lot 1 would be required to undergo applicable evaluation and permitting. The details of overall suitability regarding the sewage treatment system, water supply and storm drainage will be reviewed by the Flathead County Environmental Health Department and the Subdivision Section of the Department of Environmental Quality for compliance with the Sanitation in Subdivisions Act. No water rights currently exist for the subject property and therefore the combined appropriation for the two wells will need review by the DNRC Water Resources Division.

3. Stormwater

Because the lots are less than 20 acres in size, the submitted application includes a conceptual plan for the management of stormwater indicating stormwater on each lot would be managed through absorption within roadside swales and retaining ditches to manage the 885.62 c.f. of additional runoff. 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 prior to final plat approval.

4. Traffic Safety

Primary access to the proposed subdivision is Mennonite Church Road which extends east from Montana Highway 35. Mennonite Church Road is a paved collector road occurring within a 60 foot wide access and utility easement. The existing shared driveway approach onto Mennonite Church Road for Lot 1 and individual driveway for Lot 2 were reviewed and approved by the Flathead County Road and Bridge Department and appear to have excellent sight distance. The proposed subdivision is not anticipated to impact traffic safety because the use of a shared approach reduces oncoming traffic and the distance between the driveways associated with the subdivision are at least 500 feet apart.

5. High Voltage Electric Lines/High Pressure Gas Lines

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

6. Fire and Emergency Services

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

7. Geologic Hazards

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

8. Avalanche Hazards

The proposed subdivision is located in an area not considered prone to avalanche hazards.

9. Airport Influence Areas

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

10. Soils

According to the NRCS soils data, soils onsite include Corvallis silty clay loam (Cd) and Creston silt loam (Ce) on a majority of the central and southern sides of the property and Alluvial land (Aa) on the northern half of Lot 2. Creston silt loam soils which make up the area within the building envelope are well drained and not prone to flooding or ponding. Since no construction is allowed within those areas with alluvial soils, it would appear that the proposed subdivision is appropriately designed and have few limitations for development.

Finding #10- Impacts on public health and safety appear to be appropriate with the imposition of conditions because flood risk, water and wastewater treatment, stormwater management, traffic safety, presence of high voltage electric/gas lines, fire and emergency services, presence of geologic and avalanche hazards, and soils appear to be appropriate and meet applicable design standards outlined in the Flathead County Subdivision Regulations.

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

Finding #11 - The preliminary plat will conform to all provisions of the Montana Subdivision and Platting Act if it contains all elements required to meet state survey requirements, which will be

determined when it is reviewed by the Flathead County Examining Land Surveyor prior to final plat approval.

C. Compliance with the Flathead County Subdivision Regulations

Finding #12 - No variances are requested or required. No Phasing plan has been proposed or requested. The proposed subdivision is in general compliance with the Flathead County Subdivision Regulations, effective December 1, 2014 as compliant legal and physical access would be provided and potential impacts to the primary review criteria are able to be adequately addressed by conditions.

D. Compliance with the Flathead County Subdivision Review Procedure

i. Pre-application Conference Date

July 29, 2016

ii. Application Submittal Date

September 2, 2016

iii. Completeness Date

November 15, 2013

iv. Sufficiency Date

September 27, 2016 (insufficient September 8, 2016)

v. Adjacent Property Notification Mailing Date

October 21, 2016

vi. Legal Notice Publication Date

October 23, 2016

vii. On-site Posting of Public Hearing Date

October 21, 2016

Finding #13 - The proposal has been reviewed as a major subdivision in accordance with statutory criteria and standards outlined in Sections 4.4 of the Flathead County Subdivision Regulations effective December 1, 2014.

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

Finding #14 - The preliminary plat identifies adequate easements for utilities to serve the subdivision. All other easements associated with this subdivision and the subdivided property shall be clearly located on the Final Plat to satisfy applicable requirements of the Montana Subdivision and Platting Act and the Flathead County Subdivision Regulations.

F. Provision of Legal and Physical Access to Each Parcel

Finding #15 – As shown on the preliminary plat, Mennonite Church Road would provide legal and physical access to all lots within the subdivision. Mennonite Church Road is a paved local road within a 60 foot wide public road and utility easement.

G. Review of Applicable Plans

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

i. Neighborhood Plan

The proposed Andersen-Roe Subdivision is not located within a neighborhood plan area.

ii. Flathead County Growth Policy

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

agricultural and residential uses and appears to meet relevant goals and policies applicable to sanitation and access to available services, as defined in Chapters 2-8 of the Flathead County Growth Policy.

H. Compliance with Local Zoning

Finding #16- The proposed subdivision is located in an area of Flathead County that is presently unzoned and therefore compliance with local zoning is not applicable nor required as part of this subdivision application and review.

V. SUMMARY OF FINDINGS

Finding #1- The proposed division of land will likely reduce agricultural use in an area of prime farmland because the property has historically been used for spring wheat production and the 5 and 15 acre lots may not have sufficient room for continued agricultural use; however the division of land will not likely impact surrounding properties from continuing agricultural use.

Finding #2- The proposed subdivision would have no impact on agricultural water user facilities because no such facilities are located on-site or would be impacted on adjacent property.

Finding #3- Impact on local services including water/wastewater, schools, mail delivery, recreation, roads, fire/emergency medical services, police, solid waste, and utilities appear to be acceptable with the imposition of conditions because the proposal with regards to these elements meets the requirements of the Flathead County Subdivision Regulations and will require appropriate review and approvals by other agencies before final plat approval.

Finding #4- Impacts on recreational services will be appropriate with conditions if a 15 foot bicycle and pedestrian easement is illustrated on the face of the plat per FCSR Section 4.7.19.

Finding #5- Based on comment from the DNRC Water Resources Division, the existing drainfield on Lot 2 may be located too close to the SFHA of Blaine Creek if the BFE is determined to be at an elevation of 2970'.

Finding #6- Impacts on the natural environment appear to be acceptable with the imposition of conditions because impacts to water quality, air quality, impacts of noise and dust, impacts to flora, floodplain, riparian/wetlands, and impact to historical features appear to be minimal and meet design standards outlined in the Flathead County Subdivision Regulations.

Finding #7- Impacts to floodplain, flora, wetlands and riparian areas will be acceptable if the No Build Zone on the face of the plat is modified to follow the boundaries of the Zone A floodplain outlined on FEMA FRIM panel 30029C1835J and the intermittent ponding area is illustrated as a No Build Zone.

Finding #8- Impacts to wildlife as a result of the subdivision appears to be minimal because no endangered species are known around the property and only one species of concern has habitat found on the property.

Finding #9- Impacts to wildlife habitat appear to be minimal and acceptable because only one species of concern has habitat found on the property and the developer is proposing a 3.67 acre building envelope on the 20 acre parcel which will reduce habitat fragmentation along the Blaine Creek riparian corridor.

Finding #10- Impacts on public health and safety appear to be appropriate with the imposition of conditions because flood risk, water and wastewater treatment, stormwater management, traffic safety, presence of high voltage electric/gas lines, fire and emergency services, presence of geologic and avalanche hazards, and soils appear to be appropriate and meet applicable design standards outlined in the Flathead County Subdivision Regulations.

Finding #11 - The preliminary plat will conform to all provisions of the Montana Subdivision and Platting Act if it contains all elements required to meet state survey requirements, which will be determined when it is reviewed by the Flathead County Examining Land Surveyor prior to final plat approval.

Finding #12 - No variances are requested or required. No Phasing plan has been proposed or requested. The proposed subdivision is in general compliance with the Flathead County Subdivision Regulations,

effective December 1, 2014 as compliant legal and physical access would be provided and potential impacts to the primary review criteria are able to be adequately addressed by conditions.

Finding #13 - The proposal has been reviewed as a major subdivision in accordance with statutory criteria and standards outlined in Sections 4.4 of the Flathead County Subdivision Regulations effective December 1, 2014.

Finding #14 - 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.

Finding #15 – As shown on the preliminary plat, Mennonite Church Road would provide legal and physical access to all lots within the subdivision. Mennonite Church Road is a paved local road within a 60 foot wide public road and utility easement.

Finding #16- The proposed subdivision is located in an area of Flathead County that is presently unzoned and therefore compliance with local zoning is not applicable nor required as part of this subdivision application and review.

VI. CONDITIONS

A. Standard Conditions

1. The applicant shall receive physical addresses in accordance with Flathead County Resolution #1626C. All road names shall appear on the final plat. Street addressing shall be approved by Flathead County. [Section 4.7.16(g)(iv), 4.7.26(c) Flathead County Subdivision Regulations (FCSR)]
2. The applicant shall comply with all reasonable fire suppression and access requirements of the Creston Fire District. A letter from the fire chief stating the plat meets the applicable requirements of the district shall be submitted with the application for final plat. [Section 4.7.26(b), FCSR]
3. All areas disturbed during development of the subdivision shall be re-vegetated in accordance with an approved Weed Control Plan and a letter from the County Weed Supervisor stating that the Weed Control Plan has been approved and implemented shall be submitted with the final plat. [Section 4.7.13(g) and 4.7.25, FCSR]
4. All utilities shall be extended underground to abut and be available to each lot, in accordance with a plan approved by the applicable utility providers. [Section 4.7.23, FCSR]
5. The proposed water, wastewater treatment, and stormwater drainage systems for the subdivision shall be reviewed as applicable by the Flathead City-County Health Department and approved by the Montana Department of Environmental Quality. [Section 4.7.13, 4.7.20, 4.7.22 FCSR]
6. The mail delivery site shall be provided with the design and location approved by the local postmaster of USPS. A letter from the postmaster stating that the applicant has met their requirements shall be included with the application for final plat. [Section 4.7.28, FCSR]
7. In order to assure the provisions for collection and disposal of solid waste, the developer shall submit a letter from the applicable solid waste contract hauler stating that the hauler is able to provide service to the proposed subdivision. [Section 4.7.22, FCSR]
8. The owners shall abide by the guidelines set forth in the approved Dust and Air Pollution Control and Mitigation Plan during and after site construction and development activities. [Section 4.7.14, FCSR]
9. The following statements shall be placed on the face of the final plat applicable to all lots:
 - a. All road names shall be assigned by the Flathead County Address Coordinator and clearly identified and house numbers will be clearly visible from the road, either at the driveway entrance or on the house. House numbers shall be at least four inches in length per number. [Section 4.7.26(c), FCSR]
 - b. All utilities shall be placed underground. [Section 4.7.23, FCSR]

- c. The owners shall abide by the guidelines set forth in the approved Dust and Air Pollution Control and Mitigation Plan during and after site construction and development activities. [Section 4.7.14, FCSR]
 - d. Solid Waste removal for all lots shall be provided by a contracted solid waste hauler. [Section 4.7.22, FCSR]
 - e. Lot owners are bound by the Weed Control Plan to which the developer and the Flathead County Weed Department agreed. [4.7.25, FCSR]
- 10. The final plat shall comply with state surveying requirements. [Section 76-3-608(b)(i), M.C.A.]
 - 11. All required improvements shall be completed in place or a Subdivision Improvement Agreement shall be provided by the subdivider prior to final approval by the County Commissioners. [Section 4.0.16 FCSR]
 - 12. The final plat shall be in substantial compliance with the plat and plans submitted for preliminary plat review, except as modified by these conditions. [Section 4.1.13 FCSR]
 - 13. Preliminary plat approval is valid for three years. The final plat shall be filed prior to the expiration of the three years. Extension requests to the preliminary plat approval shall be made in accordance with the applicable regulations and following associated timeline(s). [Section 4.1.11 FCSR]

B. Project-Specific Conditions

- 14. The intermittent ponding area shown on the preliminary plat shall be shown and labeled as a 'No Build Zone' on the face of the final plat. [Section 4.7.10 FCSR]
- 15. The entire SFHA illustrated on the FIRM panel 30029C1835J located within the subdivision boundary and its elevation shall be shown and labeled as a 'No Build Zone' on the face of the final plat. [Sections 4.7.5(a & d) and 4.7.9 FCSR]
- 16. A bike/pedestrian path easement of compliant width (15-feet) shall be shown on the face of the final plat. [Sections 4.7.19 FCSR]
- 17. The septic system and drainfield located on Lot 1 and utilized by the adjacent property shall be put within a 10 foot utility easement. [Section 4.7.23, FCSR]

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