I. GENERAL INFORMATION

A. Project Description
The request is for preliminary plat approval of a 10 lot subdivision. The proposed subdivision is located at the southwest corner of Church Drive and Farm to Market Road. The subject property is currently zoned ‘WV West Valley’. The proposed subdivision would create 10 residential lots to be served by individual wells and septic systems. Primary access to the lot would be from an internal subdivision road via Farm-to-Market Road.

B. Project Personnel
i. Owner
John and Molly Schwarz
3248 Farm to Market Road
Kalispell, MT 59901

ii. Applicant
Home on a Thousand Hills, LLC
3248 Farm to Market Road
Kalispell, MT 59901

iii. Tech. Representative
Dawn Marquardt
201 3rd Ave W
Kalispell, MT 59901

C. Application Review Dates
1. Land Use Advisory Committee/Council
The proposal is located within the advisory area of the West Valley Land Use Advisory Council (WVLUAC), however, this proposal will not be reviewed by the WVLUAC because WVLUAC does not have quorum.

2. Planning Board
The Flathead County Planning Board will hold a public hearing on the proposed subdivision on April 10, 2019 and make a recommendation to the Flathead County Board of Commissioners.

3. Commission
The Flathead County Board of Commissioners will review this proposal after the public hearing conducted by the Planning Board and prior to May 13, 2019 which is the end of the 60-working day statutory review period.

II. ADMINISTRATIVE CHARACTERISTICS

A. Legal Description and Detailed Location of Subject Property
The subject property is 213.2 acres in size and is located at the southwest corner of Church Drive and Farm to Market Road. The property can legally be described as Tract 2 of COS 19635 in Section 17, Township 29 North, Range 22 West P.M.M., Flathead County, Montana.
Figure 1: Aerial of subject property (outlined in red)

B. Subdivision Layout Detail
1. Total Subdivision Acreage: 213.2 acres
2. Acreage in Lots (spaces): 213.2 acres
3. Acreage in Roads: 4.7 acres
4. Total Park/Common Area/Open Space Acreage: N/A
5. Minimum Lot Size: 20.04 acres
6. Maximum Lot Size: 31.5 acres
7. Overall Gross Lot Density: 1 lot per 21.32 acres

C. Current Land Use and Zoning
The subject property is currently zoned ‘WV West Valley.’ The WV zoning has a minimum lot size of 1 acre with a gross density restriction set at a minimum of 5 acres, the WV zone allows for single family dwellings and clustering. The WV zoning designation allows for a density bonus of 20-acres, 15-acres, 10-acres and 5-acres provided certain performance standards are met. Per Section 3.34.050(1) of the Flathead County Zoning Regulations (FCZR), “All property within the District is eligible for a residential density of one dwelling per 20 acres.”

D. Proposed Land Use
The proposed subdivision would create 10 residential lots. The average residential lot is 21.32 acres. The applicant is also not proposing any parkland. The internal road will be located in the middle of the subdivision and serve all proposed lots.
E. Previously Considered Subdivisions in Area

Existing subdivisions in the vicinity of the proposed subdivision include Stillwater Scenic Drive with three lots 20 to 73 acres created in 2002, the 73 acre lots was subsequently subdivided by Stillwater Scenic Drive No. 2 creating three 23 to 25 acre lots in 2005, and Lost Farm Subdivision with five lots approximately 5 acres in size created in 2005. Also in the vicinity of the proposed subdivision is the Charlie Subdivision a two 5-acre lot subdivision from 2014 and the Bald Rock Subdivision, with four 5-acre lots created in 2008. Figure 3 below identifies the platted subdivisions in the surrounding area.

In the northwest quarter of the subdivision is Subdivision 287, which contains five 5-acre lots and is from the same parent tract as the proposed subdivision. Subdivision 287 was recorded in 2014.

Figure 3 - Area subdivisions

F. Utilities and Services

1. Water – N/A
2. Wastewater – N/A
3. Electricity - Flathead Electric Cooperative
4. Natural Gas - Northwestern Energy
5. Solid Waste - Evergreen Disposal
6. Telephone Service - CenturyLink
7. Fire District(s) – West Valley Fire District
8. Police - Flathead County Sheriff
III. COMMENTS RECEIVED

A. Agency Comments

Referrals were sent to the following agencies on February 19, 2019:

- Flathead County Sheriff
- Public Works/Flathead County Road Department (Environmental Assessment and TIS)
- Flathead County Solid Waste
- Flathead City-County Health Department
- Flathead County Weeds & Parks Department
- Flathead County Address Coordinator/GIS Department
- BPA
- MT Fish, Wildlife and Parks (Environmental Assessment)
- DNRC (Environmental Assessment)
- DEQ Subdivision Section
- West Valley School District
- Flathead High School District
- West Valley Fire District

The following is a summarized list of agency comment received as of the date of the completion of this staff report:

- Flathead County Road and Bridge Department
  - Comment: “At this point the County Road Department does not have any comments on this request.” Letter dated February 26, 2019.

- Montana Fish, Wildlife and Parks
  - FWP submitted a four page comment discussing wildlife habitat values, ungulate winter range, and wildlife attractants/wildlife conflict/living with wildlife and is opposed to the subdivision proposal. FWP also recommend conditions.

  - Comment: “This area supports white-tailed deer, black bears, mountain lions, and numerous small and medium sized mammal species.

  - “The property falls within white-tailed deer winter range. Providing linkages between habitat patches for ungulate winter range is critical to maintain white-tailed deer populations. We recommend areas within the lots, especially the areas which provide thermal cover, be designated as permanent open space to protect the ever-shrinking ungulate winter range of this area.” Letter received February 11, 2019

- Bonneville Power Administration (BPA)
  - Comment: “At this time, BPA does not object to this request, as the property is 4.46 miles away from the nearest BPA transmission lines or structures.” Email dated March 4, 2019.

- Flathead County Solid Waste District
  - Comment: “The District request that all new subdivisions use a private hauler to bring solid waste to the landfill. The outlying green box site should not be the primary method of solid waste disposal. Evergreen Disposal is the (PSC) Public Service Commission licensed hauler in this area.” Letter dated February 21, 2019.
• Flathead County Environmental Health Department
  o Comment: “The proposed development is not subject to review under the Sanitation in Subdivisions Act (76-4-Part 1, MCA) if the net acreage of new lots, exclusive of public roadways, remains over 20 acres as proposed.” Letter dated February 25, 2018.

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 March 22, 2019, legal notice was published in the Daily Interlake on March 24, 2019, and notice of the proposal and public hearing was physically posted onsite on March 25, 2019.

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 comments received following the completion of this report will be provided to members of the Planning Board and Board of Commissioners and summarized during the public hearing.

IV. LOCAL GOVERNMENT REVIEW
A. Review Criteria and Staff Findings
Findings in this portion of the report are applicable to the impacts of the proposed subdivision on the review criteria listed in Section 76-3-608(3) MCA and the review procedure outlined in Section 4.1 of the Flathead County Subdivision Regulations (FCSR), effective December 3, 2018.

1. Agriculture and Agricultural Water User Facilities
The subject property is currently under agricultural production and many of the properties that neighbor the property are currently in agricultural production. According to the application, “The property for many years has been in productive agricultural production. In recent years, it was harvested for alfalfa hay and was used as grazing for cattle.”

There are no shared agricultural water works, canals, irrigation ditches, or pump houses on the property and the property is not located within an agricultural water district or area. While the proposal may result in a reduction in agricultural production onsite, it does not appear the proposal would impact the ability of neighboring properties to continue to be used for agriculture.

Finding #1 – There would be minimal impact on agriculture and agricultural water user facilities as a result of the proposed subdivision with conditions because the property has no irrigation infrastructure on site, is not in an irrigation district, and is not party to any irrigation agreements but the property is currently used for agriculture and the neighboring properties are used for agricultural.

2. Local Services
i. Water and Wastewater Services
The proposed subdivision will be served by individual wells. The applicant is also proposing to utilize individual septic systems for the property. The new drainfields would be subject to non-degradation review and permitting as applicable by the
Flathead County Environmental Health Department and the Montana Department of Environmental Quality.

According to the EA, “[…] when future lot owners want to build homes, they will be required to obtain non-degradation approval from the Flathead County Sanitation department. […] Based on review of the site, it appears that category #2 exemptions are met for each lot.”

The non-degradation rules include a section exempting certain sewage treatment systems from meeting the numeric nitrate and phosphorus criteria (ARM 17.30.716). The exemptions only apply to sewage treatment systems that serve one or two single-family homes, or a non-residential, non-industrial unit with a design flow of 700 gpd or less.

The exemption considers a distance to high quality surface waters, soil type, percolation test, ground water nitrate concentration, depth to bedrock and seasonal high ground water, depth to bedrock and ground water, recent subdivision lots, depth to limiting layer, and provisional mixing zone.

According to the applicant, “There are no high-quality surface waters within 500’. On-site sewerage disposal system will serve a single family residence with total flow less than 700 gpd. The sewage disposal system for each tract will be located on that tract. Soil type is medium or finer supported by test hole data. Depth to groundwater or impervious surface is greater than 12 vertical feet. Well setbacks and separation to mixing zones are greater than 100’. All on-site disposal systems are uniform pressure dosed.”

According to Environmental Health, “The proposed development is not subject to review under the Sanitation in Subdivisions Act (76-4-Part 1, MCA) if the net acreage of new lots, exclusive of public roadways, remains over 20 acres as proposed.”

Finding #2 – The subdivision will have minimal impact on water and wastewater because the subdivision will utilize individual wells and onsite septic, will not connect to public services, would not be significant in regard to non-degradation and the proposed septic system appears to meet the DEQ exemption requirements.

ii. Solid Waste Disposal
The Flathead County Solid Waste District, typically requests that all new subdivisions in Flathead County use a contract hauler to bring solid waste to the landfill and that the outlying green box sites should not be the primary method of solid waste disposal. The application states the subdivision will utilize a contract hauler.

Finding #3 – Impacts on solid waste disposal would be acceptable with standard conditions because the lots within the proposed subdivision would utilize contract haul services for solid waste management.

iii. Roads
Primary access to the site is from Farm-to-Market Road. All lots will be accessed from paved internal subdivision road with 22-foot wide driving surfaces within a 60-foot right of way, which meets county standards. A road approach permit for
access from Farm-to-Market Road will be required by the Montana Department of Transportation.

The proposal would create 10 additional residential lots and would therefore add approximately 100 average daily trips (ADT) to the road network. According to the 2017 MDT Rural Traffic Flow Map, Farm-to-Market Road has approximately 2538 ADT. The addition of 100 trips would increase traffic by 3.9%. It would appear that Farm-to-Market Road could accommodate the additional vehicle trips.

Finding #4 – Impacts on area roads would appear to be acceptable as all internal subdivision roads and primary access roads will be paved and constructed to Flathead County standards and Farm-to-Market Road can accommodate the additional 100 ADT.

iv. Schools
The proposal is located in the West Valley School District and Flathead High School District. According to the 2017 Census Data there are 48,741 housing units in the Flathead County. The Flathead County Statistical Report of Schools 2018 states there are 16,473 students enrolled in public, private and home schools. The total students (16,473) divided by the total households (48,741) equals approximately 0.34 students per household. Therefore, 10 single family homes could generate approximately 3.4 school age children.

The West Valley School District has seen an increase of 49% in the last ten years with a peak in 2018. The Flathead High School District has seen a 9% increase in the last ten years and a 1.0% decrease in student population since a peak last year.

Comments from the Flathead High School District state, the proposed subdivision will have no impact on Glacier High School. Comments from the West Valley School District state, “[…] Just in the 7 years I have been at WV, we have grown by about 30%. Staffing has grown by 1/3 in those 7 years, with no signs of slowing down. I do confirm the information you are requesting. There would be minimal impact on the West Valley School, with the addition of your subdivision. I do believe as of right now we would be able to handle the impact those houses would add to our student population.”

v. Mail Delivery
The applicant states the mail boxes will be centralized. The developer will be required to submit plans for review and written approval from the local postmaster as a condition of preliminary plat approval.

vi. Recreation
Pursuant to Section 4.7.24(a)(i) FCSR, parkland dedication is not required for subdivisions lots created that are greater than five gross acres in size. All ten lots within the subdivision are over five gross acres.

The Flathead County Trails Plan designates Farm-to-Market Road as proposed collector therefore a bicycle and pedestrian easement will be required along the east side of the subject property, running parallel to Farm-to-Market, in accordance with Section 4.7.19 of the subdivision regulations.
Finding #5 – Impacts on local services with regard to schools, recreation and mail delivery would appear to be acceptable as the proposed subdivision would add approximately 3.4 students to the local school district and both school districts stated the subdivision will have no impact on schools, the applicant is proposing centralized mailboxes, no parkland dedication is required and a bike and pedestrian easement is shown on the preliminary plat.

3. Public Health And Safety
   i. Storm Water Drainage
      While all lots exceed 20-acres in size and are not subject to DEQ subdivision review, the submitted application includes a conceptual plan for the management of stormwater. According to the applicant, “The majority of the property historically drains toward natural depressions within the property with small portions that drain offsite. Upon completion of the proposed improvements the subject site would be divided into sub-basins. Runoff from each sub-basin would continue to be detained onsite and infiltrate as it historically has.”

      According to the soils report, the soil types located on site are all classified as well drained and not prone to flooding or ponding. The property will also utilize road side swales to capture increased runoff post-development to ensure no additional flow offsite.

      Finding #6 – Impacts from storm water run-off will be acceptable because the lots are 20 acres in size and capable of handling run-off and swales and ditches will be located alongside roads to allow for storm water absorption.

   ii. Fire/Emergency Medical Services
      The proposed subdivision is located within the West Valley Fire District, with the closest fire station located on Farm to Market Road, approximately 2.7 miles to the south of the subject property. The West Valley Fire Department did not provide comment on this proposal. The subject property is located approximately 8.7 miles from the Kalispell Regional Medical Center and 11.3 miles from the North Valley Hospital for emergency medical services.

      The southern half of the property is located within the Wildland Urban Interface (WUI). As such the applicant has submitted a Fire Prevention Control and Fuels Reduction Plan. The plan states that the area to be managed is located is the timbered land in the southwest corner of the subdivision. Half of the property shown as being in the WUI is open space and historically used for agriculture where no management would be required. Five of the proposed lots are located within or partially within the WUI. All but Lot 6 have buildable area away from forested land. The plan calls for spacing over-story trees to 25-30 feet, which will aid in preventing crown fires.

      Finding #7 – Impacts on fire and medical services would be minimal with standard conditions because the lots within the proposed subdivision would be served within an acceptable response time by the West Valley Fire Department in the event of an emergency, would be required to meet the requirements of the fire district and the area located within the WUI will be managed and thinned.
iii. Police Services
The proposed subdivision is located near an urban area of Flathead County and will be served by the Flathead County Sheriff’s Department. The combination of existing staff levels, shift rotations, size of the county, the dispersed nature of the population, and the property’s distance from the Flathead County Sheriff’s Office in Kalispell may lead to delayed response times in the event of an emergency.

Finding #8 – Impacts on police services would be minimal with standard conditions because the lots within the proposed subdivision would be served within an acceptable response time by the Flathead County Sheriff’s Department in the event of an emergency.

iv. Impact of Noise
While some noise and vibration will probably result from construction, these impacts will be limited in duration and should not negatively impact the surrounding area. No noise beyond what is typical for a residential area is anticipated as a result of the proposed subdivision. The proposed residential use is not anticipated to generate permanent continuous noise impacting area residents or wildlife.

v. Air Quality
Primary access to the subdivision occurs via Farm-to-Market Road which is a MDT maintained, paved roadway. All internal lots are accessed via proposed paved subdivision roads. The applicant has submitted a “Dust Control Plan” compliant with Section 4.7.14 FCSR. A note should be required to be placed on the face of the final plat that requires the owners of all lots abide by the guidelines set forth in the plan during and after site construction and development activities.

Finding #9 - Adverse impacts to air quality and noise are not anticipated with standard conditions as all roads accessing the subdivision are already paved, internal subdivision roads will be 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.

vi. High Voltage Electric Lines/High Pressure Gas Lines
There are no high pressure gas lines or high voltage electrical lines on the subject property.

vii. Airport Influence Areas
The subject property is not within an airport influence area.

Finding #10 – The proposal does not appear to have an impact on high voltage electric lines, high pressure gas lines or an airport influence area because the property is not located near high voltage electric lines, high pressure gas lines or airport influence area.

4. Natural Environment
i. Soils
According to NRCS soils data, the soils on the property are comprised of nine soils: Whitefish cobbly silt loam (Wr), Whitefish cobbly silt loam (Wu), Yeoman cobbly loam (Ya), Yeoman cobbly loam (Yb), Yeoman cobbly loam (Yc), Yeoman cobbly loam (Yd), Yeoman gravelly loam (Yh), Yeoman stony loam (Yza), and Yeoman
stony loam (Yzb). Wr has a slope of 0 to 7 percent, whereas Wu has a slope of 20 to 45 percent. Yza has an average slope between 0 to 7 percent, Ya has an average slope between 0 to 3 percent, Yb has an average slope between 3 to 7 percent and Yc has a slope of 7 to 12 percent. Yh has a slope of 0 to 3 percent. Yza has a 0 to 7 percent slope and Yzb has a 7 to 20 percent slope.

According to Upper Flathead Valley Soils Survey, Wr is classified as having a soil capability class of IIIe and considered farmland of statewide importance. Yh is classified as having a soil capability class of IVe and is considered farmland of statewide importance. Wu is not considered prime farmland and has a capability class of VIIe. Ya, Yb, and Yc are not considered prime farmland with a capability Class of IVe. Yd is not considered prime farmland with a capability Class of VIe. Yza and Yzb are not considered prime farmland and has a capability class of VIIs. Yh and Wr soils cover 40.2% of the property. The area classified as Yh is currently being farmed.

ii. Geologic/Avalanche Hazards
The subject property is relatively flat with gently rolling hills but gets steeper at the in the southwest corner of the property. According to the EA submitted with the application materials and confirmed by a staff site visit, no evidence of unstable soils, rock outcroppings, falls or slides indicating significant geologic hazards are present on the subject property.

**Finding #11** – No impacts from soils and geological and avalanche hazards are anticipated because the property is relatively flat and there is no evidence of unstable soils, rock outcroppings, falls or slides indicating significant geologic hazards on the property.

iii. Flora
A search conducted by the Montana Natural Heritage Program identified this general area of the County may contain 0 plant species of concern. The application states, “The primary area of timberland is the SW approximately 57 acres of timberland, comprised primarily of Western Larch (WL), Ponderosa Pine (PP), and Douglas Fir (DF).” The property also contain a Ponderosa Pine Stand among the grazing pasture, and hay fields.

The prevention of noxious weeds is particularly important with regard to construction and development. As such, and pursuant to Section 4.7.25 FCSR, an approved weed control management plan, applicable to all lots, will be required as a condition of final plat approval. The proposed subdivision is not anticipated to negatively impact flora.

iv. Riparian/Wetland Areas
There would be no impact to riparian or wetland areas because no riparian or wetland areas occur on the subject property. The property appears to have two ephemeral stream according to the National Wetland Inventory. According to the site plan, the surface water is not located near the drainfield, however it should be confirmed prior to approval of the septic system permit. Due to the sporadic nature of the surface water flow, no wetland vegetation was identified and no Riparian Resource Management Plan is needed.
Finding #12 – No impacts to the flora and riparian/wetland area are anticipated on the subject property as there are no riparian area on the property, the large lots allow for build area away from the ephemeral streams, the property is currently farmed, no plant species of concern are found on-site and a weed management plan shall be approved by the Flathead County Weed Board prior to final plat approval.

v. Floodplain
According to FEMA FIRM Panel 30029C1395J, the subject property contains area mapped as unshaded Zone X. Zone X is defined as areas determined to be outside the 0.2% annual chance floodplain (500-year floodplain).

Finding #13 – The proposal would not introduce adverse impacts to public health and safety in regard to flood risk because the subject property does not contain any land located within the 100 year floodplain.

5. Wildlife and Wildlife Habitat
Given the rural location of the subject property some impact to wildlife is expected as a result of the proposed subdivision. A search conducted by the Montana Natural Heritage Program identified 9 species of concern present in the vicinity of the subject. The species of concern in the vicinity include Bull Trout, Westslope Cutthroat Trout, Western Toad, Horned Grebe, Lewis’s Woodpecker, Black Tern, Great Blue Herron, fisher and Little Brown Myotis.

Trout are found in mountainous streams, rivers and lakes which are not present on-site. Western Toad, Horned Grebe Fishers and Black Tern are found in wetland areas, also not present on-site. And Great Blue Herron habitat is riparian forest.

Little Brown Myotis are generalist, Fishers are generally found in mixed conifer forests and Lewis’s Woodpecker in riparian forests. Woodpeckers have been observed on the site and the southwestern portion of the property is forest area were fishers could live.

According to the applicant the subject property is mapped as big game winter range and the proposed subdivision is not on or adjacent to land identified by the state or federal agencies as critical habitat.

FWP comments on the subdivision indicate, “The properties in question is primarily dominated by grasslands, which were historic agricultural fields and a wooded area. Numerous wildlife species use this habitat, including white tail deer, black bears, mountain lions and numerous mid-sized and smaller bodied mammalian species. [...] Continued subdivision of this area will have a negative impacts on wildlife values throughout the year. [...] We anticipate that the development of this subdivision will result in decreased wildlife habitat value, as well as increased levels of human-wildlife conflict.”

Finding #14 – The proposed subdivision may impact local wildlife and wildlife habitat as 9 Species of Concern are associated with the area, including grizzly and black bears, however the amount of surrounding residential development and CC&R could minimize impacts.

6. Historical Features
The Environmental Assessment indicates there are no known historic, archeological, or cultural sites on the subject property.
Finding #15 – The proposed subdivision will not adversely impact historical features because there are no known historic, archeological, or cultural sites on the subject property.

B. Compliance with Survey Requirements of 76-3-401 through 76-3-406 M.C.A.
Finding #16 – 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 and Review Procedure
1. Requested Variances
   No variances have been requested with this application.

2. Flathead County Subdivision Review Procedure
   i. Pre-application Conference Date
      December 14, 2018
   ii. Application Deadline Date (6 months from pre-application)
       June 14, 2019
   iii. Application Submittal Date
        January 31, 2019
   iv. Completeness Date
       February 5, 2019
   v. Sufficiency Date
      February 19, 2019
   vi. Agency Referral Requests Mailing Date
       February 19, 2019
   vii. Adjacent Property Notification Mailing Date
        March 22, 2019
   viii. Legal Notice Publication Date
        March 24, 2019
   ix. On-site Posting of Public Hearing Date
        March 25, 2019

Finding #17 – 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 3, 2018.

D. Provision of Easements for the Location and Installation of Planned Utilities
Finding #18 – 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.

E. Provision of Legal and Physical Access to Each Parcel
Finding #19 – Farm-to-Market Road would provide legal and physical access to the subdivision with an approved approach permit from the Montana Department of Transportation and all the lots will have legal and physical access via the proposed internal subdivision road.
F. 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).

1. Neighborhood Plan
The property is located in the West Valley Neighborhood Plan (Plan) area, which was adopted April 9, 1997 through Resolution 955AA as an addendum to the Flathead County Master Plan of 1987, which has been subsequently superseded by the current Flathead County Growth Policy, originally adopted March 19, 2007. The Plan’s ‘Land Use’ chapter emphasizes the strong value placed on agriculture and within the plan area particularly at the time the plan was written and recognizes challenges to maintaining a viable agricultural industry in the midst of expansion of non-compatible use such as unchecked residential growth. In regard to residential growth, the Plan identifies that 5-20 acre density is appropriate in certain locations where residential development is for single-family uses placed away from prime soils.

The proposed preliminary plat appears to meet the intent of the residential and agricultural goals outlined in the plan because the applicant is proposing 10 lots approximately 20-acres or more which is recommended for all tracts within the West Valley Neighborhood Plan area.

2. 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. 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.

G. Compliance with Local Zoning
The subject property is currently zoned ‘WV West Valley.’ The WV zoning has a minimum lot size of 1 acre with a gross density restriction set at a minimum of 5 acres, allows for single family dwellings and clustering. The WV zoning designation allows for a density bonus of 20-acres, 15-acres, 10-acres and 5-acres provided certain performance standards are met. The applicant is proposing ten lots approximately 20 plus acres, as part of this subdivision. “All property within the District is eligible for a residential density of one dwelling per 20 acres,” per Section 3.34.050(1) of the Flathead County Zoning Regulations (FCZR).

Finding #20 – The proposal generally complies with the Flathead County Growth Policy, West Valley Neighborhood Plan and the zoning regulations because the proposal conforms to the regulations used in the review of subdivision in Flathead County, and the applicant intend to create 20-acre lots which all properties in the district are permitted.
V. SUMMARY OF FINDINGS

1. There would be minimal impact on agriculture and agricultural water user facilities as a result of the proposed subdivision with conditions because the property has no irrigation infrastructure on site, is not in an irrigation district, and is not party to any irrigation agreements but the property is currently used for agriculture and the neighboring properties are used for agricultural.

2. The subdivision will have minimal impact on water and wastewater because the subdivision will utilize individual wells and onsite septic, will not connect to public services, would not be significant in regard to non-degradation and the proposed septic system appears to meet the DEQ exemption requirements. [Condition 7]

3. Impacts on solid waste disposal would be acceptable with standard conditions because the lots within the proposed subdivision would utilize contract haul services for solid waste management. [Conditions 9 & 12]

4. Impacts on area roads would appear to be acceptable as all internal subdivision roads and primary access roads will be paved and constructed to Flathead County standards and Farm-to-Market Road can accommodate the additional 100 ADT. [Conditions 4, 5 & 20]

5. Impacts on local services with regard to schools, recreation and mail delivery would appear to be acceptable as the proposed subdivision would add approximately 3.4 students to the local school district and both school districts stated the subdivision will have no impact on schools, the applicant is proposing centralized mailboxes, no parkland dedication is required and a bike and pedestrian easement is shown on the preliminary plat. [Conditions 8 & 18]

6. Impacts from storm water run-off will be acceptable because the lots are 20 acres in size and capable of handling run-off and swales and ditches will be located alongside roads to allow for storm water absorption. [Conditions 7 & 14]

7. Impacts on fire and medical services would be minimal with standard conditions because the lots within the proposed subdivision would be served within an acceptable response time by the West Valley Fire Department in the event of an emergency, would be required to meet the requirements of the fire district and the area located within the WUI will be managed and thinned. [Condition 2, 21 & 22]

8. Impacts on police services would be minimal with standard conditions because the lots within the proposed subdivision would be served within an acceptable response time by the Flathead County Sheriff’s Department in the event of an emergency.

9. Adverse impacts to air quality and noise are not anticipated with standard conditions as all roads accessing the subdivision are already paved, internal subdivision roads will be 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. [Conditions 10 & 12iii]

10. The proposal does not appear to have an impact on high voltage electric lines, high pressure gas lines or an airport influence area because the property is not located near high voltage electric lines, high pressure gas lines or airport influence area.
11. No impacts from soils and geological and avalanche hazards are anticipated because the property is relatively flat and there is no evidence of unstable soils, rock outcroppings, falls or slides indicating significant geologic hazards on the property.

12. No impacts to the flora and riparian/wetland area are anticipated on the subject property as there are no riparian area on the property, the large lots allow for build area away from the ephemeral streams, the property is currently farmed, no plant species of concern are found on-site and a weed management plan shall be approved by the Flathead County Weed Board prior to final plat approval. [Conditions 3 & 12v]

13. The proposal would not introduce adverse impacts to public health and safety in regard to flood risk because the subject property does not contain any land located within the 100 year floodplain.

14. The proposed subdivision may impact local wildlife and wildlife habitat as 12 Species of Concern are associated with the area, including grizzly and black bears, however the amount of surrounding residential development and CC&Rs could minimize impacts. [Condition 19]

15. The proposed subdivision will not adversely impact historical features because there are no known historic, archeological, or cultural sites on the subject property.

16. 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. [Condition 13]

17. 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 3, 2018. [Condition 16]

18. 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. [Condition 16]

19. Farm-to-Market Road would provide legal and physical access to the subdivision with an approved approach permit from the Montana Department of Transportation and all the lots will have legal and physical access via the proposed internal subdivision road.

20. The proposal generally complies with the Flathead County Growth Policy, West Valley Neighborhood Plan and the zoning regulations because the proposal conforms to the regulations used in the review of subdivision in Flathead County, and the applicant intend to create 20-acre lots which all properties in the district are permitted.

VI. CONCLUSION
In accordance with the provisions of Section 4.5.7 of the Flathead County Subdivision Regulations, a review and evaluation of the preliminary plat application has been completed by the staff of the Flathead County Planning and Zoning Office. The proposed subdivision appears to generally comply with the subdivision review criteria, pursuant to the Findings of Fact. Should the Planning Board forward a recommendation of approval of this subdivision to
the Flathead County Commissioners, Findings of Fact and Conditions of Approval attached should be adopted.

VII. CONDITIONS OF APPROVAL

A. Standard Conditions

1. The developer shall receive physical addresses in accordance with Flathead County Resolution #1626. 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 West Valley 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 and Finding of Fact (FOF) 7]

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 and FOF 12]

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 and FOF 4]

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(c), FCSR and FOF 4]

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 and FOFs 2 & 6]

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 and FOF 5]

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 and FOF 3]
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 and FOF 9]

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:

  i. 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]

  ii. All utilities shall be placed underground. [Section 4.7.23 FCSR]

  iii. 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 and FOF 9]

  iv. Solid Waste removal for all lots shall be provided by a contracted solid waste hauler. [Section 4.7.22, FCSR and FOF 3]

  v. Lot owners are bound by the Weed Control Plan to which the developer and the Flathead County Weed Department agreed. [4.7.25 FCSR and FOF 12]

13. The final plat shall comply with state surveying requirements. [Section 76-3-608(b)(i) M.C.A. and FOF 16]

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.) and FOF 6]

15. All required improvements shall be 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 and FOF 17 & 18]

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. A 15-foot bike/pedestrian path easement of shall be shown on the face of the final plat along Farm-to-Market Road. [Sections 4.7.19 FCSR and FOF 5]

19. The proposed CC&Rs shall be amended to comply with Montana Fish, Wildlife and Parks subdivision development recommendations for human/bear conflict [FOF 14].

20. 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 and FOF 4]

21. Actions called for in the ‘Fire Prevention Control and Fuels Reduction Plan’ shall be implemented prior to the approval of the Final Plat. The local/reviewing fire authority shall inspect the subdivision and provide written documentation that all thinning, clearing and other mitigation measures described in the plan have been completed as proposed for the subdivision. [Section 4.7.27(b)(iii) FCSR & FOF 7]

22. The following statements shall be placed on the face of the Revised Preliminary Plat:

vi. This subdivision is located in the Wildland Urban Interface area where wildfires can and do occur. [Section 4.7.27(a)(ii)(A), FCSR & FOF 7]

vii. Only Class A and Class B fire-rated roofing materials are allowed. [Section 4.7.27(a)(ii)(B), FCSR & FOF 7]

viii. Firewise defensible space standards shall be incorporated around all RV spaces, primary structures and improvements. [Section 4.7.27(a)(ii)(C), FCSR & FOF 7]