FLATHEAD COUNTY PLANNING AND ZONING OFFICE
SUBDIVISION REPORT # FPP-20-09
BAKER 80
AUGUST 26, 2020

I. GENERAL INFORMATION

A. Project Description

The proposal is for preliminary plat approval of a sixteen-lot residential subdivision, to be developed in four phases. The lots would be served by individual septic systems and wells. Access to each lot would be from a new internal subdivision road via Prairie View Road and Whitefish Village Drive.

B. Project Personnel

i. Owner/Applicant	ii. Tech. Representative #1	iii. Tech. Representative #2
GBSB Holdings, LLC	TD&H Engineering	Bruce Boody Landscape Architect
Scott Baker	Doug Peppmeier, P.E.	Bruce Boody
2619 Lidstone Street	450 Corporate Drive, Ste 101	301 East 2nd Street, Ste 1B
Houston, TX 77023	Kalispell, MT 59901	Whitefish, MT 59937

C. Application Review Dates

1. Land Use Advisory Committee/Council

The proposal is not located within the jurisdiction of a land use advisory committee.

2. Planning Board

The Flathead County Planning Board will hold a public hearing on the proposed subdivision on September 9, 2020 at 6:00 P.M. in the Country Kitchen Building at the Flathead County Fairgrounds, located at 265 North Meridian Road, Kalispell, MT 59901. A recommendation from the Planning Board will be forwarded to the Flathead County Board of Commissioners for their consideration.

3. Commission

The Flathead County Board of Commissioners will review this proposal after the public hearing conducted by the Planning Board. The end of the 60-working day statutory review period is August 4, 2020, however, the applicant submitted a written waiver to the 60-working day statutory review period on July 7, 2020 and August 11, 2020.

II. ADMINISTRATIVE CHARACTERISTICS

A. Legal Description and Detailed Location of Subject Property

The proposed subdivision is comprised of four tracts of land which total 80.313 acres and can legally be described as follows:

Tract 1 of Certificate of Survey No. 19952, located in the Northwest Quarter of the Southwest Quarter of Section 25, Township 30 North, Range 22 West, P.M.M., Flathead County, Montana.

Tract 2 of Certificate of Survey No. 19952, located in the Northwest Quarter of the Southwest Quarter of Section 25, Township 30 North, Range 22 West, P.M.M., Flathead County, Montana.

Tract 1 of Certificate of Survey No. 19953, located in the Southwest Quarter of the Southwest Quarter of Section 25, Township 30 North, Range 22 West, P.M.M., Flathead County, Montana.

Tract 2 of Certificate of Survey No. 19953, located in the Southwest Quarter of the Southwest Quarter of Section 25, Township 30 North, Range 22 West, P.M.M., Flathead County, Montana.

Figure 1: Aerial of subject properties outlined in yellow

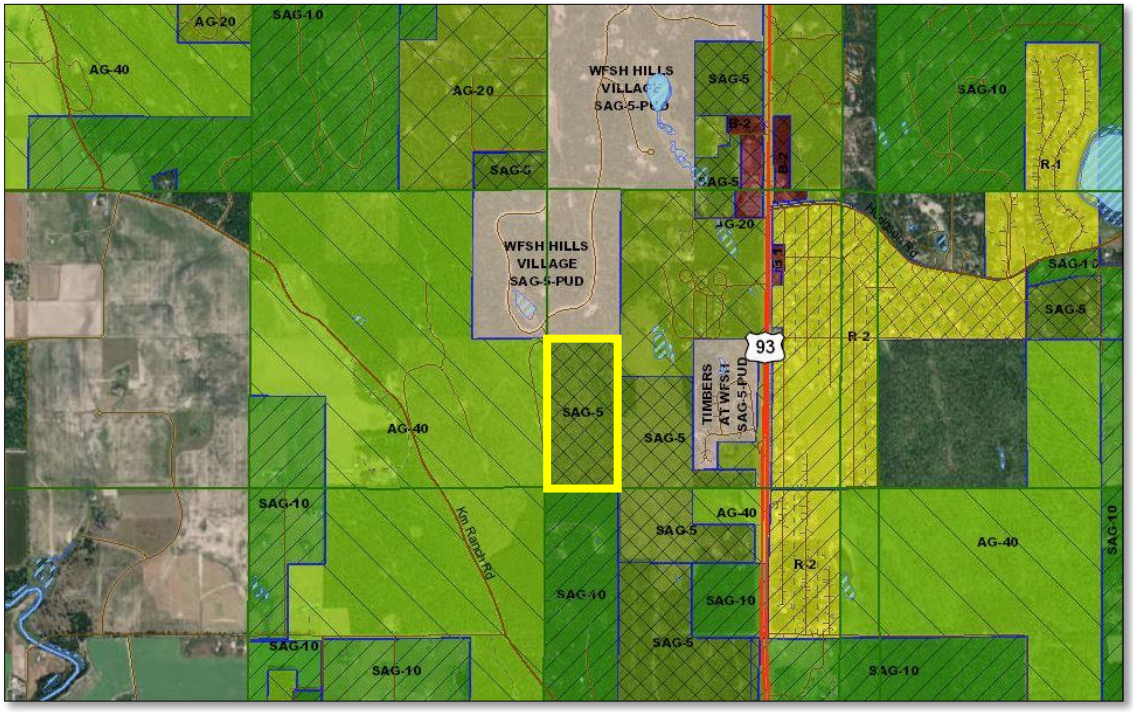
B. Subdivision Layout Detail

1. Total Subdivision Acreage:	80.313 acres
2. Acreage in Lots:	80.313 acres
3. Acreage in Roads:	0.000 acres
4. Total Open Space Acreage:	0.000 acres
5. Minimum Lot Size:	5.001 acres
6. Maximum Lot Size:	5.133 acres
7. Density:	1 unit per 5.020 acres

C. Current Land Use and Zoning

The property is currently zoned 'SAG-5 Suburban Agricultural', is located within the Blanchard Lake Zoning District, and is undeveloped. The SAG-5 designation is defined in Section 3.08.010 FCZR as, *'A district to provide and preserve smaller agricultural functions and to provide a buffer between urban and unlimited agricultural uses, encouraging separation of such uses in areas where potential conflict of uses will be minimized, and to provide areas of estate type residential development.'*

Figure 2: Surrounding zoning, subject property outlined in yellow



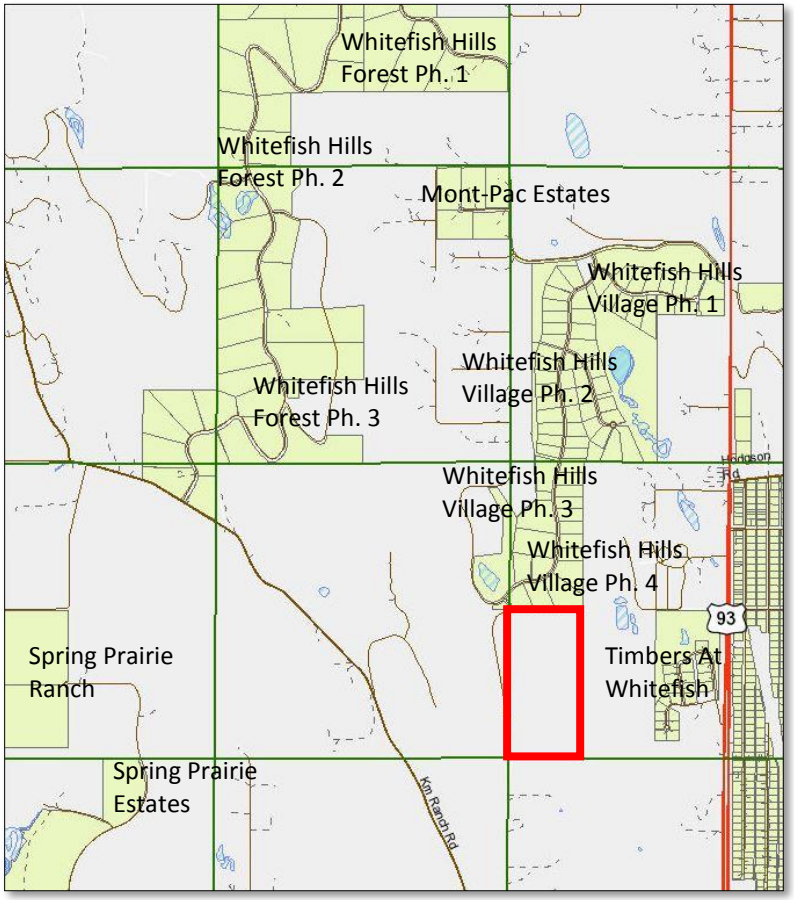
D. Proposed Land Use

The proposed subdivision would create sixteen residential lots. The average size of lots within the subdivision would be 5.02 acres. No common area/open space is proposed. A new internal subdivision road, Baker Heights Drive, would provide access to lots within the subdivision. A phasing plan submitted with the preliminary plat application indicates the lots would be developed in four phases with the final phase completed by the year 2036.

E. Previously Considered Subdivisions in Area

Subdivision Name (year approved)	Type	Total Lots	Average Lot Size
Whitefish Hills Village Ph. 5 (2020)	Residential	18	3.7 acres
Whitefish Hills Village Ph. 4 (2019)	Residential	17	3.8 acres
Whitefish Hills Village Ph. 3 (2018)	Residential	15	2.2 acres
Whitefish Hills Village Ph. 2 (2018)	Residential	23	2.6 acres
Whitefish Hills Village Ph. 1 (2016)	Residential	15	2.9 acres
Timbers At Whitefish (2006)	Residential	21	0.9 acres
Mont-Pac Estates (1979)	Residential	5	7.4 acres
Whitefish Hills Forest Ph. 3 (2018)	Residential	19	9.5 acres
Whitefish Hills Forest Ph. 2 (2014)	Residential	12	11.7 acres
Whitefish Hills Forest Ph. 1 (1999)	Residential	24	26.7 acres
Spring Prairie Ranch (2004)	Residential	3	41.3 acres
Spring Prairie Estates (2008)	Residential	1	19.3 acres

Figure 3 – Area subdivisions, subject property outlined in red



F. Utilities and Services

1. **Water –** Individual Wells
2. **Wastewater –** Individual Septic Systems
3. **Electricity –** Flathead Electric Cooperative
4. **Natural Gas –** Northwestern Energy
5. **Solid Waste –** Evergreen Disposal
6. **Telephone Service –** CenturyLink
7. **School District(s) –** Whitefish School District
8. **Fire District(s) –** Whitefish Rural Fire District
9. **Police –** Flathead County Sheriff's Department

III. COMMENTS RECEIVED

A. Agency Comments

1. Referrals were sent to the following agencies on May 11, 2020:
   - Bonneville Power Administration
   - DEQ, Subdivision Review Program
   - DNRC
   - Flathead City-County Health Department (inter-office mail)
   - Flathead Conservation District
   - Flathead County Address Coordinator/GIS Department
   - Flathead County Road & Bridge Department

- Flathead County Sheriff's Office
- Flathead County Solid Waste District
- Flathead County Superintendent of Schools
- Flathead County Weeds & Parks Department
- Montana Department of Transportation
- Montana Fish, Wildlife & Parks
- Whitefish Rural Fire District
- Whitefish School District

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

- Bonneville Power Administration
  - Comment: "[…] At this time, BPA does not object to this request, as the property is located approximately 5.18 miles away from the nearest BPA transmission lines or structures." Email received May 14, 2020
- Flathead County Road and Bridge Department
  - Comment: "[…] At this point the County Road Department does not have any comments on this request." Letter received May 15, 2020
- Flathead County Solid Waste District
  - Comment: "Thank you for the opportunity to comment on the above referenced subdivision. The landfill capacity currently available is from 30 to 60 years based upon an annual tonnage increase of 2% per year respectively.
  - The District requests that all new subdivisions use a private hauler to bring solid waste to the landfill. Owner hauling of solid waste from the subdivision should not be the primary method of disposal. Evergreen Disposal is the (PSC) Public Service Commission Licensed hauler in this area. Their business phone number is 406-257-1739.
  - After reviewing the project summary, I believe that the issue of solid waste disposal has been addressed." Letter received May 18, 2020
- Flathead City-County Health Department
  - Comment: "Environmental Health staff have reviewed the information provided and submits the following comment:
  - The proposed subdivision is subject to review under 76-4, Part 1 MCA. Potable water, wastewater, storm drainage, and solid waste disposal will be addressed through this review process." Letter received May 21, 2020

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 August 21, 2020, legal notice was published in the Daily Interlake on August 23, 2020, and notice of the proposal and public hearing was physically posted onsite on August 27, 2020.

As of the date of the completion of this staff report, numerous written public comments have been received regarding the proposal. The concerns addressed in the public comments were primarily regarding Whitefish Village Drive providing access to the proposed subdivision and the resulting impacts on vehicle traffic, construction traffic, road

maintenance, property values, noise, and safety. 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

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 average lot size within the subdivision would be 5.02 acres. The Environmental Assessment (EA) states, "The lot is currently timbered and has some grassland with no agricultural crop production." Additionally, the EA indicates 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. According to the National Resources Conservation Services (NRCS) soil survey submitted with the application, approximately 64% of soil types on the property are classified as farmland of statewide importance and the remaining of soil types are classified as not prime farmland.

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

2. Local Services

a. Water and Wastewater Services

The proposed subdivision is not located adjacent to public water or wastewater services and instead will be served by individual wells and septic systems. According to the NRCS soil survey, all soil types on the subject property are well drained and not prone to flooding or ponding. Test hole data indicates groundwater is greater than eight feet from the surface. A preliminary analysis submitted with the application indicates the proposed water and wastewater systems would meet the Montana Department of Environmental Quality standards.

Comment from the Flathead City-County Health Department states, "The proposed subdivision is subject to review under 76-4, Part 1 MCA. Potable water, wastewater, storm drainage, and solid waste disposal will be addressed through this review process."

b. Solid Waste Disposal

The applicant is proposing contract haul as a mechanism for solid waste disposal as requested of all subdivisions by the Flathead County Solid Waste Department. Comment from the Flathead County Solid Waste District noted that Evergreen Disposal will be the Public Service Commission (PSC) licensed hauler responsible for solid waste disposal in this area.

Finding #2 – The proposed subdivision would have minimal impact on water, wastewater, and solid waste disposal services as the property is not located within a water and sewer district, the proposed subdivision would utilize individual wells and septic systems, the water and wastewater systems would be required to be reviewed and approved by the Flathead City-County Health Department and the Montana Department of Environmental Quality as applicable, and lots within the subdivision would utilize contract haul services for solid waste disposal.

c. Roads

Primary access to the subdivision is proposed from Whitefish Village Drive via Prairie View Road. Whitefish Village Drive is a paved, privately-maintained road within a 60-foot wide right-of-way, lying within an adjacent subdivision. Prairie View Road is a gravel, County-maintained road within a 60-foot wide right-of-way, which is not constructed the entire length of the right-of-way and terminates adjacent to the subject properties, south of the intersection with Whitefish Village Drive. A new internal subdivision road, shown as "Baker Heights Drive" on the preliminary plat, is proposed off Prairie View Road to provide access to lots within the subdivision.

The application includes a draft road user's agreement outlining maintenance provisions for roadways within the subdivision. However, Section 4.7.15(d) FCSR states, "*When a new subdivision adjoins un-subdivided land (lands or parcels not created by a filed subdivision plat) the subdivider may be required to provide rights-of-way or easements from proposed subdivision road easement to the adjacent un-subdivided property. Subsequent subdivisions using an existing subdivision road system as a primary access shall be required to pay a pro-rata share of road maintenance for the shared portion of the existing subdivision roads, and a latecomer's agreement, if applicable* […]" Comment received from the County Attorney's Office indicates the applicant is required to obtain an easement or written permission from Whitefish Hills Village to access Whitefish Village Drive because preliminary plat approval for Whitefish Hills Village did not include a specific condition requiring the subdivision to provide a right-of-way or easement to adjoining properties. The applicant shall be required to submit a road maintenance mechanism which includes maintenance provisions for Whitefish Village Drive prior to final plat approval.

According to the Institute of Transportation Engineers (ITE) *Trip Generation Manual*, single-family dwellings typically generate approximately 10 average daily trips (ADT). The subdivision would create 16 residential lots and would therefore add approximately 160 ADT to Whitefish Village Drive. Since Whitefish Village Drive is the proposed primary access to the subdivision, an increase in traffic along Prairie View Road as a result of the subdivision is only anticipated to occur on the relatively small, isolated portion between Whitefish Village Drive and Baker Heights Drive.

The internal subdivision road will be constructed to the Flathead County Road and Bridge standards. Since Whitefish Village Drive is a paved road, no offsite roadway improvements would be required. However, if the applicants cannot provide proof of legal access and a road maintenance mechanism for Whitefish Village, primary

access to the proposed subdivision would be from Prairie View Road via KM Ranch Road. KM Ranch road is a paved, County-maintained road within a 60-foot wide right-of-way. Since Prairie View Road is an unpaved road, offsite improvements would be required per Section 4.7.17(g) FCSR in accordance with the standard improvement formula described in Section 4.7.17(h)(i)(ii). Based on the number of lots along this portion of Prairie View Road, the existing traffic count is approximately 70 ADT, thus 69.6% of this stretch of Prairie View Road would need to be paved. Staff calculated the offsite roadway improvement requirements from KM Ranch Road to the southern termination point of Baker Heights Drive, a distance of approximately 3,515 feet. The applicants would be required to pave 2,446 feet of Prairie View Road if primary access via Whitefish Village Drive is not granted.

The Flathead County Road and Bridge Department indicated no comments regarding the proposal. The applicant will be required to provide approach permits from the Flathead County Road and Bridge Department for the approaches onto Prairie View Road, prior to final plat approval.

Finding #3 – The road system appears to be acceptable with the imposition of conditions because the internal subdivision road would be paved and constructed to Flathead County Road and Bridge Department standards, the applicant would be required to pave approximately 69.6% of Prairie View Road between KM Ranch Road and the southern termination point of Baker Heights Drive unless proof of legal access and a road maintenance mechanism for Whitefish Village Drive is provided, the proposed subdivision has the potential to increase traffic on Whitefish Village Drive by 160 ADT, and approach permits from the Flathead County Road and Bridge Department will be required for the approaches onto Prairie View Road.

d. Schools

The proposal is located in the Whitefish 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 2019 states there are 16,422 students enrolled in County schools. The total students (16,422) divided by the total households (48,741) equals approximately 0.34 students per household. Therefore, twelve additional lots could generate approximately four school age children.

The Whitefish School District has seen a 19% increase in enrollment over the last ten years and a 3% increase between the 2018 and 2019 school years. No comment was received from the school district.

e. Mail Delivery

The application indicates centralized mailboxes will serve the proposed subdivision. The location of the mailboxes serving the proposed subdivision shall require review and written approval from the local postmaster as a condition of final plat approval and should meet the location requirements outlined in Section 4.7.28 FCSR.

f. 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 sixteen

lots within the subdivision are over five gross acres. The proposed subdivision abuts State Trust Land which would provide recreational opportunities.

The Flathead County Trails Plan does not designate Prairie View Road as a proposed trail, thus no easement is required for a pedestrian and bicycle path.

Finding #4 – Impacts on local services with regard to schools, mail delivery and recreation would appear to be acceptable as the proposed subdivision would add approximately four students to the local school district, the applicant will be required to submit written approval from the local postmaster prior to final plat approval, and no parkland dedication or pedestrian and bicycle path easements would be required.

3. Public Health And Safety

a. Storm Water Drainage

The EA states, "The storm water from the development will be managed through a swale/ditch along the access roadways. This ditch system will convey storm water to the naturally low points of the road design. Drywells will be installed at low points providing infiltration. Cross connecting culverts will eliminate possibilities of overtopping or flooding. Storm drainage on the lots will be addressed at the time of individual lot development." According to the NRCS web soil survey, the soil types located on the subject property are classified as well drained and not prone to ponding or flooding.

Comment from the Flathead City-County Health Department states, "The proposed subdivision is subject to review under 76-4, Part 1 MCA. Potable water, wastewater, storm drainage, and solid waste disposal will be addressed through this review process."

Finding #5 – Impacts from storm water runoff will be acceptable because storm water generated by impervious surfaces within the proposed subdivision will be accommodated via onsite ditches and drywells and the proposed storm water management plan will require review and approval through the Flathead City-County Environmental Health Department and Montana Department of Environmental Quality.

b. Fire/Emergency Medical Services

The subject property is located within the Whitefish Rural Fire District and the Whitefish Volunteer Department is located approximately 4.4 driving miles east of the proposed subdivision, along Hodgson Road, and the Whitefish Fire Department is located approximately 5.4 driving miles north, along Flathead Avenue.

The subject property is located within the Wildland Urban Interface (WUI) and a High Countywide Priority Area and is mostly forested. A Fire Prevention, Control and Fuels Reduction Plan was provided with the preliminary plat application. According to the plan, the proposed subdivision will follow the protection zone guidelines for development within the WUI to reduce the risk of wildfire. A letter from the Fire Chief of the City of Whitefish Fire Department submitted with the application addresses emergency access standards and requests the installation of

residential fire sprinklers and fire hydrants or a 30,000-gallon water cistern to serve to the subdivision.

Ground ambulance service would be available to serve the proposed subdivision, as well as ALERT service provided by Kalispell Regional Medical Center for emergency medical services. The property is located approximately 11.5 driving miles from the Kalispell Regional Medical Center.

c. Police Services

The proposed subdivision is located in an unincorporated area of Flathead County and is therefore served by the Flathead County Sheriff's Office. The Flathead County Sheriff's Office did not provide comment regarding the proposed subdivision. 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 Office in Kalispell would result in response times being slower than response times in more urban areas of the County.

Finding #6 – Impacts on fire, emergency medical, and police services would be minimal with the imposition of conditions because the subdivision would be served by the Whitefish Rural Fire District and Flathead County Sheriff's Office in the event of an emergency, and the applicant will be required to implement an approved Fire Prevention, Control and Fuels Reduction Plan prior to final plat approval.

d. 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.

e. Air Quality

Primary access to the subdivision is proposed via Stelle Lane and Whitefish Village Drive, which are paved, privately-maintained roads, and Prairie View Road, which is a gravel, County-maintained road. The applicant is proposing to pave the portion of Prairie View Road adjacent to the subdivision. All lots within the subdivision would be accessed via a proposed paved internal subdivision road.

The proposed subdivision will not generate any additional dust except during construction activities. The applicant has submitted a Dust Control Plan compliant with Section 4.7.14 FCSR which addresses dust related to construction. A note shall be required to be placed on the face of the final plat that requires the owners of all lots to abide by the guidelines set forth in the plan during and after site construction and development activities.

Finding #7 – Impacts to noise and air quality are anticipated to be minimal with the imposition of conditions because impacts of noise from the residential development are not expected to extend beyond property lines, the primary access

roads to the subdivision will be paved, and a Dust Control Plan will be required to mitigate potential issues of dust during construction.

f. High Voltage Electric Lines/High Pressure Gas Lines

There are no high pressure gas lines or high voltage electrical lines on the subject property.

g. Airport Influence Areas

The subject property is not within an airport influence area.

Finding #8 – Impacts to public health and safety from high voltage electric lines, high pressure gas lines, or airport influence areas are not anticipated because no high voltage electric lines or high pressure gas lines are located on the subject property and the property is not located within an airport influence area.

4. Natural Environment

a. Soils

According to the National Resources Conservation Services (NRCS) web soil survey, soils on the property are comprised of four types: Whitefish cobbly silt loam, 0 to 7 percent slopes (Wr), Whitefish cobbly silt loam, 7 to 12 percent slopes (Ws), Whitefish cobbly silt loam, 12 to 20 percent slopes (Wt), and Whitefish silt loam, 3 to 7 percent slopes (Wzb). The soils are classified as well drained and are not subject to ponding or flooding.

b. Geologic/Avalanche Hazards

The subject property is moderately sloped. According to the EA, there is no evidence of unstable soils, rock outcroppings, falls or slides indicating significant geologic hazards are present on the subject property. The EA states, "The site is comprised almost entirely of Whitefish cobbly silt loam and there does not poses any unusual site soil limitations for ordinary construction techniques." The subdivision is not located in an area of the County considered to be prone to avalanche hazards.

Finding #9 – No impacts from soils and geological and avalanche hazards are anticipated because soil types on the subject property appear suitable for development and there is no evidence of unstable soils, rock outcroppings, falls or slides on the property.

c. Flora

The Montana Natural Heritage Program report identifies nine plant species of concern and one potential plant species of concern in the township and range of the proposed subdivision. The species of concern in the vicinity include: Beck Water-marigold, Watershield, Pygmy Water-lily, Panic Grass, Slender Cottongrass, Water Bulrush, Sprangletop, Hamatocaulis Moss, and Meesia Moss. Blunt Water Moss is listed as a potential plant species of concern. These species reside in habitats which are not located on the subject property including aquatic, fens, and wetland/riparian. Montana Fish, Wildlife & Parks did not provide comment on the proposed subdivision.

The prevention of noxious weeds is particularly important with regard to construction and development. Pursuant to Section 4.7.25 FCSR, an approved weed

control plan, applicable to all lots, will be required as a condition of final plat approval.

d. Riparian/Wetland Areas
The subject property does not contain any surface waters, wetlands, or riparian areas.

e. Floodplain
According to FEMA FIRM Panel 30029C1405J, the subject property is mapped as unshaded Zone X. Zone X is defined as areas outside of the 0.2% annual chance flood hazard area.

Finding #10 – Impacts to the natural environment as a result of the proposed subdivision are expected to be minimal because the applicant will be required to provide an approved Weed Control Plan prior to final plat approval and the subject property does not contain wetlands, riparian areas, or floodplain.

5. Wildlife and Wildlife Habitat
The Montana Natural Heritage Program report identifies fourteen species of concern and one special status species in the township and range of the proposed subdivision. The species of concern in the vicinity include: Hoary Bat (Riparian and forest), Little Brown Myotis (Generalist), Fisher (Mixed conifer forests), Grizzly Bear (Conifer forests), Northern Goshawk (Mixed conifer forests), Evening Grosbeak (Conifer forests), Pileated Woodpecker (Moist conifer forests), Common Loon (Mountain lakes w/ emergent vegetation), Cassin's Finch (Drier conifer forests), Varied Thrush (Moist conifer forests), Northern Alligator Lizard (Talus slopes/rock outcrops), Westslope Cutthroat Trout (Mountain streams, rivers, lakes), Bull Trout (Mountain streams, rivers, lakes), and Subarctic Bluet (Wetlands). The Bald Eagle (Riparian forests) is listed as a special species of concern. Some of these species reside in habitats which are not located on the subject property such as streams, rivers, lakes, wetlands, riparian, and rock outcrops. Montana Fish, Wildlife & Parks did not provide comment on the proposed subdivision.

Given the timbered, rural nature of the subject property, some impact to wildlife and wildlife habitat is expected as a result of the proposed subdivision. The EA states, "Efforts will be made to maintain existing timber cover on undisturbed areas through construction activities. Possible impacts may be turbid storm water discharge from construction activities; however BMP's will be prescribed to mitigate such impacts during construction." Additionally, the EA states, "The proposed subdivision is not adjacent to existing urbanized areas, however, the 16 lot layout provides low density single-family parcels to minimize impacts on wildlife habitat." Lots within the subdivision would be greater than 5 acres.

Finding #11 – The proposed subdivision may impact local wildlife and wildlife habitat as fourteen species of concern are associated with the area, however, the relatively large lots sizes would allow for the preservation of wildlife habitat.

6. Historical Features
The Environmental Assessment indicates there are no known historical, archeological, or cultural sites on the subject property.

Finding #12 – The proposed subdivision would not adversely impact historical features because there are no known historical, 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 #13 – 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**
     February 4, 2020
   - **ii. Application Deadline Date (6 months from pre-application)**
     August 4, 2020
   - **iii. Application Submittal Date**
     April 7, 2020
   - **iv. Completeness Date**
     April 13, 2020
   - **v. Sufficiency Date**
     May 11, 2020
   - **vi. Agency Referral Requests Mailing Date**
     May 11, 2020
   - **vii. Adjacent Property Notification Mailing Date**
     August 21, 2020
   - **viii. Legal Notice Publication Date**
     August 23, 2020
   - **ix. On-site Posting of Public Hearing Date**
     August 27, 2020

Finding #14 – The proposed subdivision 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 #15 – 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

Primary access to the subdivision is proposed from Whitefish Village Drive, which is a privately-maintained road within a 60-foot wide right-of-way, via Prairie View Road, which is a County-maintained road within a 60-foot wide right-of-way. An internal

subdivision road is proposed off Prairie View Road to provide access to lots within the subdivision. Approach permits will be required from the Flathead County Road and Bridge Department for the internal subdivision road approach onto Prairie View Road.

Whitefish Village Drive is dedicated as a public access easement, as required per Section 4.7.15(e) FCSR. As previously stated, comment received from the County Attorney's Office indicates the applicant is required to obtain an easement or written permission from Whitefish Hills Village to access the Whitefish Village Drive because preliminary plat approval for Whitefish Hills Village did not include a specific condition requiring the subdivision to provide a right-of-way or easement to adjoining properties. Lot owners within the proposed subdivision will be required to pay a pro-rata share of road maintenance to utilize Whitefish Village Drive.

Finding #16 – The preliminary plat includes adequate provisions for legal and physical access to the subdivision and all lots within it, with the imposition of conditions, because Whitefish Village Drive would provide access to the subdivision with an easement or written permission from Whitefish Hills Village and a road maintenance mechanism, Prairie View Road would provide access to the proposed subdivision with approved approach permits from the Flathead County Road and Bridge Department, and the proposed internal subdivision road would provide access to each lot.

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 proposed subdivision is located in an area of Flathead County that is not within a neighborhood plan.

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 'SAG-5 Suburban Agricultural' and is located with the Blanchard Lake Zoning District. The minimum lot size within the SAG-5 zone is 5 acres. The proposed subdivision would result in sixteen residential lots that are a minimum of 5 acres in size.

Finding #17 – The proposed subdivision generally complies with the Flathead County Growth Policy and the Flathead County Zoning Regulations because the proposal conforms to the regulations used in the review of subdivisions in Flathead County and meets the bulk and dimensional requirements of the SAG-5 zoning designation.

V. SUMMARY OF FINDINGS

1. There would be minimal impact on agriculture and agricultural water user facilities as a result of the proposed subdivision because the property is not in agricultural production, has no irrigation infrastructure on site, is not in an irrigation district, and is not party to any irrigation agreements.
2. The proposed subdivision would have minimal impact on water, wastewater, and solid waste disposal services as the property is not located within a water and sewer district, the proposed subdivision would utilize individual wells and septic systems, the water and wastewater systems would be required to be reviewed and approved by the Flathead City-County Health Department and the Montana Department of Environmental Quality as applicable, and lots within the subdivision would utilize contract haul services for solid waste disposal. [Conditions 2, 9, 12]
3. The road system appears to be acceptable with the imposition of conditions because the internal subdivision road would be paved and constructed to Flathead County Road and Bridge Department standards, the applicant would be required to pave approximately 69.6% of Prairie View Road between KM Ranch Road and the southern termination point of Baker Heights Drive unless proof of legal access and a road maintenance mechanism for Whitefish Village Drive is provided, the proposed subdivision has the potential to increase traffic on Whitefish Village Drive by 160 ADT, and approach permits from the Flathead County Road and Bridge Department will be required for the approaches onto Prairie View Road. [Conditions 5, 6, 20, 21]
4. Impacts on local services with regard to schools, mail delivery and recreation would appear to be acceptable as the proposed subdivision would add approximately four students to the local school district, the applicant will be required to submit written approval from the local postmaster prior to final plat approval, and no parkland dedication or pedestrian and bicycle path easements would be required. [Condition 8]
5. Impacts from storm water runoff will be acceptable because storm water generated by impervious surfaces within the proposed subdivision will be accommodated via onsite ditches and drywells and the proposed storm water management plan will require review and approval through the Flathead City-County Environmental Health Department and Montana Department of Environmental Quality. [Conditions 2, 14]
6. Impacts on fire, emergency medical, and police services would be minimal with the imposition of conditions because the subdivision would be served by the Whitefish Rural Fire District and Flathead County Sheriff's Office in the event of an emergency, and the applicant will be required to implement an approved Fire Prevention, Control and Fuels Reduction Plan prior to final plat approval. [Conditions 3, 24, 25]
7. Impacts to noise and air quality are anticipated to be minimal with the imposition of conditions because impacts of noise from the residential development are not expected to extend beyond property lines, the primary access roads to the subdivision will be paved,

and a Dust Control Plan will be required to mitigate potential issues of dust during construction. [Conditions 10, 12]

8. Impacts to public health and safety from high voltage electric lines, high pressure gas lines, or airport influence areas are not anticipated because no high voltage electric lines or high pressure gas lines are located on the subject property and the property is not located within an airport influence area.

9. No impacts from soils and geological and avalanche hazards are anticipated because soil types on the subject property appear suitable for development and there is no evidence of unstable soils, rock outcroppings, falls or slides on the property.

10. Impacts to the natural environment as a result of the proposed subdivision are expected to be minimal because the applicant will be required to provide an approved Weed Control Plan prior to final plat approval and the subject property does not contain wetlands, riparian areas, or floodplain. [Conditions 4, 12]

11. The proposed subdivision may impact local wildlife and wildlife habitat as fourteen species of concern are associated with the area, however, the relatively large lots sizes would allow for the preservation of wildlife habitat.

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

13. 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]

14. The proposed subdivision 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.

15. 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 13]

16. The preliminary plat includes adequate provisions for legal and physical access to the subdivision and all lots within it, with the imposition of conditions, because Whitefish Village Drive would provide access to the subdivision with an easement or written permission from Whitefish Hills Village and a road maintenance mechanism, Prairie View Road would provide access to the proposed subdivision with approved approach permits from the Flathead County Road and Bridge Department, and the proposed internal subdivision road would provide access to each lot. [Conditions 5, 6, 20, 21, 22, 23]

17. The proposed subdivision generally complies with the Flathead County Growth Policy and the Flathead County Zoning Regulations because the proposal conforms to the regulations used in the review of subdivisions in Flathead County and meets the bulk and dimensional requirements of the SAG-5 zoning designation.

VI. CONCLUSION

In accordance with the provisions of Section 4.3 of the Flathead County Subdivision Regulations, a review and evaluation of the major subdivision 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 found in Section 4.7 FCSR, pursuant to the draft Findings of Fact prepared herein, or identified impacts can be mitigated with conditional of approval. Should the Flathead County Board of Commissioners choose to grant preliminary plat approval of this subdivision, the following draft conditions should be considered to supplement the decision and mitigate impacts anticipated as a result of the subdivision.

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. [Sections 4.7.16(g)(iv), 4.7.26(c) FCSR]

2. 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, 4.7.21 FCSR and Finding of Fact (FOF) 2, 5]

3. The developer shall comply with reasonable fire suppression and access requirements of the Whitefish Rural 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 FOF 6]

4. 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 10]

5. 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 3]

6. With the application for final plat, the developer shall provide a compliant Road User's Agreement or CC&R document which requires each property owner to bear his or her pro-rata share for maintenance of the roads within the subdivision and for any integral access roads lying outside the subdivision. [Section 4.7.15(e), FCSR and FOF 3, 16]

7. 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]

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 4]

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 2]

10. The owners shall abide by the guidelines set forth in the approved Dust Control Plan during and after site construction and development activities. [Section 4.7.14 FCSR and FOF 7]

11. All road names shall be approved 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]

12. The following statements shall be placed on the face of the final plat applicable to all lots:

- **a.** All road names shall be assigned by the Flathead County Address Coordinator and clearly identified and house numbers will be clearly visible from the road, either at the driveway entrance or on the house. House numbers shall be at least four inches in length per number. [Section 4.7.26(c) FCSR]
- **b.** All utilities shall be placed underground. [Section 4.7.23 FCSR]
- **c.** The owners shall abide by the guidelines set forth in the approved Dust Control Plan during and after site construction and development activities. [Section 4.7.14 FCSR and FOF 7]
- **d.** Solid waste removal for all lots shall be provided by a contracted solid waste hauler. [Section 4.7.22 FCSR and FOF 2]
- **e.** Lot owners are bound by the Weed Control Plan to which the developer and the Flathead County Weed Department agreed. [Section 4.7.25 FCSR and FOF 10]

13. The final plat shall comply with state surveying requirements. [Section 76-3-608(b)(i) M.C.A. and FOF 13, 15]

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 5]

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]

17. Preliminary plat approval is valid for three years. The final plat shall be filed prior to the expiration of the three years. Extension requests to the preliminary plat approval shall be made in accordance with the applicable regulations and following associated timeline(s). [Section 4.1.11 FCSR]

B. Project-Specific Conditions

18. The proposed phasing plan shall be implemented in accordance with the requirements of Section 4.4.2 FCSR; each development phase submitted for final plat review and approval shall be required to meet all conditions of approval established or identify where certain conditions have been previously met or are not applicable to the particular phase. [Section 4.4.2 FCSR].

19. Prior to final plat approval the developer shall provide evidence that all applicable water right requirements of the Department of Natural Resources Water Resources Division have been met. [Section 4.7.20(d) FCSR, FOF 2]

20. Prior to final plat approval, the applicant shall provide approach permits from the Flathead County Road and Bridge Department for the approaches onto Prairie View Road. [Section 4.7.16 FCSR and FOF 3, 16]

21. Prior to final plat approval, the developer shall provide a compliant Road User's Agreement or CC&Rs document which requires each property owner to bear his or her pro-rata share for maintenance of Whitefish Village Drive and proof of legal access via Whitefish Village Drive, unless the applicant improves 69.6% of Prairie View Road between KM Ranch Road and the southern termination point of Baker Heights Drive, which shall be certified by a licensed engineer and constructed and paved in accordance with the Flathead County Minimum Standards for Design and Construction. [Section 4.7.15(e), FCSR and FOF 3]

22. Prior to final plat approval, the applicant shall provide written documentation from the local fire protection authority verifying the approved Fire Prevention, Control and Fuels Reduction Plan has been implemented. [Section 4.7.27(b)(iii) FCSR and FOF 6]

23. The following statements shall be placed on the face of the final plat applicable to all lots:

a. This subdivision is located in the Wildland Urban Interface area where wildfires can and do occur. [Section 4.7.27 FCSR and FOF 6]

b. Only Class A and Class B fire-rated roofing materials are allowed. [Section 4.7.27 FCSR and FOF 6]

c. Firewise defensible space standards shall be incorporated around all primary structures and improvements. [Section 4.7.27 FCSR and FOF 6]