

**FLATHEAD COUNTY PLANNING AND ZONING OFFICE  
SUBDIVISION REPORT # FPP-20-14  
AMND PLAT OF LOT 4 OF RIVER VISTA  
JULY 27, 2020**

**I. GENERAL INFORMATION**

**A. Project Description**

The request is for preliminary plat approval of a two-lot subdivision located at 332 Wagner Lane in Kalispell. The proposed subdivision would create two lots to be served by individual well and septic systems. Primary access to the lots would be Wagner Lane via Lower Valley Road.

**Project Personnel**

**i. Owner**

Maureen Bessey  
543 1<sup>st</sup> Ave E.  
Kalispell, MT 59901

**ii. Applicant**

Paul & Vikki Brown  
(406) 253-0446

**iii. Technical Representative**

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

**Application Review Dates**

**1. Land Use Advisory Committee/Council**

This proposal is not located within a Land Use Advisory Committee/Council area.

**2. Planning Board**

The Flathead County Planning Board will hold a public hearing on the proposed subdivision on August 12, 2020 and make a recommendation to the Flathead County Board of Commissioners. This space is reserved for a summary of the Planning Board's discussion and recommendation.

**3. Commission**

The Flathead County Board of Commissioners will review this proposal after the public hearing conducted by the Planning Board and prior to November 5, 2020 which is the end of the 60-working day statutory review period. This space will contain an update regarding the Flathead County Commission review of the proposal.

**II. ADMINISTRATIVE CHARACTERISTICS**

**A. Legal Description and Detailed Location of Subject Property**

The subject property is 12.001 acres total in size and is located at 332 Wagner Lane, Kalispell, MT. and can legally be described as Lot 4 of River Vista in Section 36, Township 28 North, Range 21 West, P.M.M., Flathead County, Montana.

**Figure 1:** Aerial of subject property outlined in red



**B. Subdivision Layout Detail-**

1. <b>Total Subdivision Acreage:</b>	12.001 acres
2. <b>Acreage in Lots (spaces):</b>	11.204 acres
3. <b>Acreage in Roads:</b>	0.797 acres
4. <b>Total Park/Common Area/Open Space Acreage:</b>	0 acres
5. <b>Minimum Lot Size:</b>	4.417 acres
6. <b>Maximum Lot Size:</b>	6.787 acres
7. <b>Overall Gross Lot Density:</b>	1 unit per 6.0005 acres

**C. Current Land Use and Zoning**

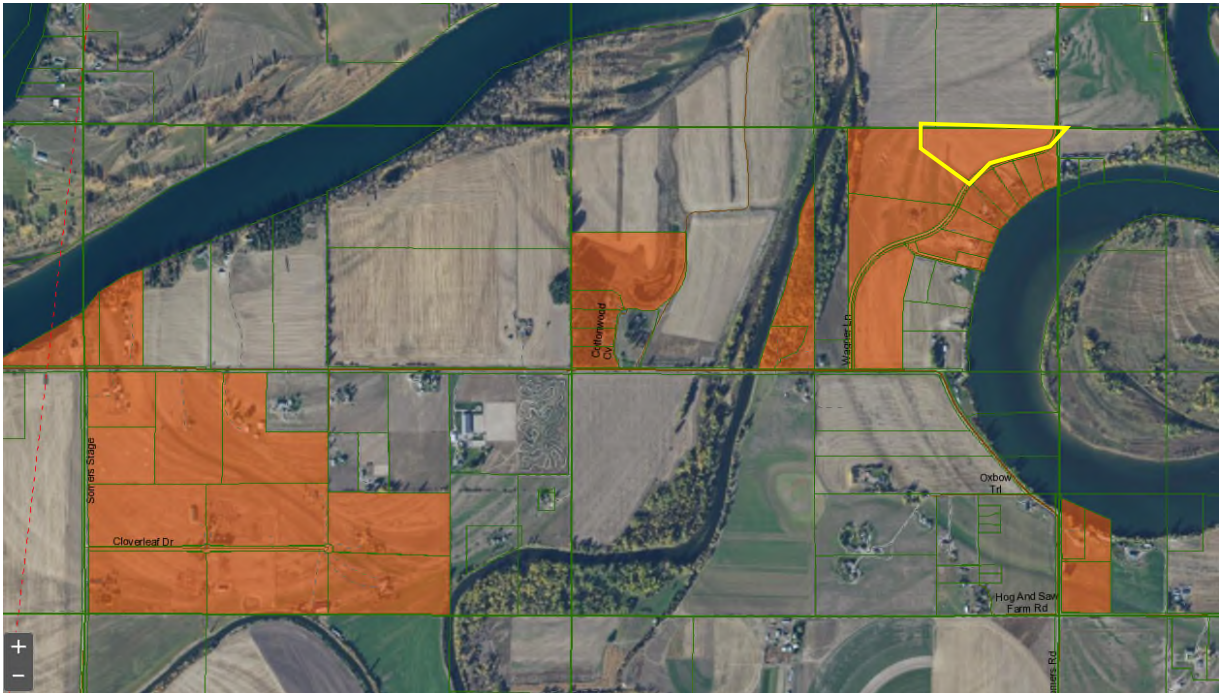
The property is currently not zoned. It is part of the existing River Vista development with a combination of residential and agricultural uses and the property does not contain any 100-year floodplain.

**D. Proposed Land Use**

The proposed amendment of Lot 4 of River Vista would create two residential lots with lot sizes being 5 and 7.001 acres. The lots are planned to be served by shared well and individual septic systems.



**Figure 3:** Area subdivisions, subject property outlined in yellow



**F. Utilities and Services**

1. **Water** – Individual Well
2. **Wastewater** – Individual Septic Systems
3. **Electricity** - Flathead Electric Cooperative
4. **Natural Gas** - Northwestern Energy
5. **Solid Waste** - Contract Haul
6. **Telephone Service** - CenturyLink
7. **Fire District(s)** – Somers/Lakeside Fire Department
8. **Police** - Flathead County Sheriff

**III. COMMENTS RECEIVED**

**A. Agency Comments**

Referrals were sent to the following agencies on July 14, 2020:

- Flathead County Road Department
- Flathead County Solid Waste
- Flathead City-County Health Department
- Flathead County Weeds & Parks Department
- Flathead County Fire Department
- Montana Fish, Wildlife and Parks
- Montana Department of Natural Resources and Conservation
- Flathead Conservation District
- Flathead County Address Coordinator
- Bonneville Power Administration
- Flathead County Sheriff
- Flathead County Superintendent of Schools
- Montana Department of Transportation

The following is a summarized list of agency comment received by the Planning Office 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 1.75 miles away from the nearest BPA transmission lines or structures.”
- Flathead County Solid Waste District
  - Comment: “The District requests that all new subdivisions use a private hauler to bring solid waste to the landfill. Evergreen Disposal is the (PSC) Public Service Commission Licensed hauler in the area.”
- Flathead County Environmental Health Department
  - Comment:
    1. “This project proposes 2 lots served by individual wastewater treatment systems and wells. This proposal is subject to review under Sanitation in Subdivisions, Title 76-4, Part 1, MCA. This review addresses water supply, wastewater disposal, storm drainage, and solid waste disposal and floodplain.”
- Montana Fish, Wildlife & Parks
  - Comment: “While the proposed lot division will only create 1 additional home, it is worth to note that every additional home in the area can result in increased human-wildlife conflicts if residents do not take precautions to live with wildlife.”

#### **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 July 24, 2020, legal notice will be published in the Daily Interlake on July 26, 2020, and notice of the proposal and public hearing will be physically posted onsite on July 21, 2020.

As of the date of the completion of this staff report, no written 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**

According to the Environmental Assessment, “Properties to the north and west are currently in agricultural production. Properties to the east and south consist of the rest

of River Vista. The larger lots produce some agricultural products but the smaller lots on the eastside of Wagner Lane do not.”

“There are no shared agricultural water works, canals, irrigation ditches, pump houses, etc. The property is not in an agricultural irrigation district or are there any agricultural irrigation districts or companies in the proximity of the subdivision.”

The proposed subdivision would likely have minimal impact on neighboring agricultural production.

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

## 2. Water and Wastewater Services

The applicant is proposing the utilization of individual well and individual septic systems for water and wastewater usage of the proposed subdivision. The EA states, “As indicated previously, the water system will consist of a shared well...the applicant will use the existing exempt well.”

Concerning sewage disposal and system according to the EA, “The subdivision will utilize individual septic systems for treatment of wastewater. The property was reviewed previously and the septic system was approved by the MDEQ for Lot 4A. A new septic system is needed for Lot 4B.”

The Flathead City-County Health Department has stated:

1. “This project proposes 2 lots served by individual wastewater treatment systems and wells. This proposal is subject to review under Sanitation in Subdivisions, Title 76-4, Part 1, MCA. This review addresses water supply, wastewater disposal, storm drainage, and solid waste disposal and floodplain.”

**Finding #2** – The subdivision will have minimal impact on water and wastewater because the subdivision will utilize both individual wells and septic systems, which has met the MDEQ requirements, and the subdivision will be subject to review from the Flathead City-County Environmental Health Department.

## 3. Solid Waste Disposal

The EA states, “The subdivision will use a contract hauler for refuse collection and hauling. The landfill is located along U.S. Highway 93 about 10 miles, as the crow flies, northwest of the subject property.”

Comment from Flathead County Solid Waste states, “The District requests that all new subdivisions use a private hauler to bring solid waste to the landfill. Evergreen Disposal is the (PSC) Public Service Commission Licensed hauler in the area.”

Pursuant to Section 4.7.22 FCSR the applicant should be required to meet the requirements of the Flathead County Solid Waste District.

**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.

#### **4. Roads**

It is anticipated the subdivision will utilize Wagner Lane as primary access that is a paved, two lane County road within a 60 foot easement.

The EA submitted with the application states, “The subject property connects to Wagner Lane which is a paved County maintained public road. Wagner Lane connects with Lower Valley Road approximately 0.5 miles south of the proposed subdivision. Wagner Lane serves a small number of homes, does not provide access to other developments and is therefore considered a local road.”

The EA states, “Based on the Flathead County Subdivision Regulations and the ITE Trip Generation Manual, each single family residence averages 10 vehicle trips per day. With one new lot, the Amended Plat of Lot 4, River Vista will generate an additional 10 vehicle trips per day at buildout.”

**Finding #4** – The road system appears to be acceptable because the primary access point would be from Wagner Lane which is a paved two-lane County maintained road within a 60 feet easement and connects with Lower Valley Road which is also a County maintained road.

#### **5. Schools**

The property is located in the Somers-Lakeside School District. According to the EA, “The 2019 Somers-Lakeside Elementary Schools saw a 2% increase in school enrollment over the 2018 school year. The enrollment increased 3% over the last ten years or 0.33% average annual increase.”

The establishment of one additional residential lot with this proposed subdivision may not even generate one school-aged child. The office has received no comments from the school district at the time of writing this report.

The number of students generated by this proposal could be served without introducing significant impacts to the school district.

#### **6. Mail Delivery**

The developer will be required to submit plans for review and written approval from the local postmaster as a condition of preliminary plat approval.

#### **7. Recreation**

The application states, “As the subdivision is only creating one additional lot, it is exempt from parkland dedication as provided in State Law and the Flathead County Subdivision Regulations.”

**Finding #5** – Adverse impacts on schools, mail delivery and recreation are not anticipated as a result of the proposal subdivision because the mail box site will be required to be approved by the local postmaster, the proposal has the potential to add less than one school child, a 15 feet wide bike/pedestrian easement will be required to be clearly marked on the final plat and is exempt from parkland dedication requirement.

#### **8. Fire/Emergency Medical Services**

The site is located within the Somers-Lakeside Volunteer Fire District and a fire station is located approximately 6 road miles south of the subject property. The subject

property is not mapped within the Wildland Urban Interface (WUI).

The EA addresses fire concern in detail as follows, “Ambulance service is provided by the Somers-Lakeside Volunteer Fire Department which has a station located in Somers approximately 6 miles from the subdivision. Alert Service is available and provided by Kalispell Regional Medical Center.”

Although an agency referral was sent to the Somers Fire Department, they did not submit comment on this proposal.

#### **9. Police Services**

The proposed subdivision is located in a rural area of Flathead County and will be served by the Flathead County Sheriff’s Department. Although the combination of existing staff levels, shift rotations, size of the county, and the dispersed nature of the population may affect response times, the property’s relative distance from the Flathead County Sheriff’s Office in Kalispell should not lead to delayed response times in the event of an emergency.

**Finding #6** – Impacts on fire/medical and 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 Somers-Lakeside Fire Department and Flathead County Sheriff’s Department in the event of an emergency, and the property is not mapped within the Wildland Urban Interface.

#### **10. Impact of Noise**

While noise and vibration will likely result from home construction on the proposed lots, 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 noise that would impact area residents or wildlife.

#### **11. Air Quality**

According to the application, “The proposed subdivision off of Wagner Lane which is a County maintained local road. Each lot will have a separate driveway to Wagner Lane. The subject property is undeveloped and is really only creating one additional lot and thus one additional house on the road. The average home contributed 10 vehicle trips per day to the road system.”

While an initial increase in dust is anticipated with the construction of driveways and the construction of structures, no permanent decrease in air quality is expected with this proposal. The applicant has submitted a “Dust Control Plan” compliant with Section 4.7.14 FCSR. A note will 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 #7** - Adverse impacts to air quality and noise are not anticipated with standard conditions because all roads accessing the subdivision are already paved, new driveways 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.



## 12. Soils

The applicant states in the EA, “The onsite soils are Silty Clay Loam with 9 to 10 inches of organic soils on the surface. These soils are excellent for construction of driveways and homes. The proposed development is located in an area of gently rolling terrain with no steep slopes”

According to NRCS soils data, the soils on the approximate property are comprised of

Map Unit Name	Acres in AOI	Percent of AOI	Natural Drainage Class
Swims Silty Clay Loam, 0 to 4 percent slopes.	12.2	100%	Well drained

This soil is not subject to ponding or flooding and is well drained.

## 13. Stormwater

According to the EA, “Runoff water from the roofs and driveways in the subdivision will flow to a shallow retention basin designed to handle the 100-year storm. No runoff water from new impervious or newly graded and vegetated surfaces will be discharged offsite at a greater rate than pre-development flows.”

**Finding #8** – The soils on the subject property appear to be acceptable because the soil is not subject to ponding or flooding and is well drained, the subdivision will utilize individual septic and wells and stormwater is required to be reviewed and approved by MDEQ.

## 14. Geologic/Avalanche Hazards

The EA addresses geologic constraints and possible hazards in the following way, “Although the FEMA FIRM Panel 1840J still shows a small portion of the property in the 100-year floodplain, the property was shown to be naturally above the BFE by 1.5 feet minimum and thus the property received a LOMA from FEMA, Case # 07-08-0553A. The result is that the property is not within the 100-year (1% chance) floodplain as delineated on the FIRM panel. The property is void of steep slopes or marshy areas that would otherwise pose a hazard.”

**Finding #9** – No impacts from soils, 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. It has also been removed from the 100-year floodplain.

## 15. Flora

The subject property is currently undeveloped.

The EA states concerning vegetation, “The property is all cropland, there are no trees except for a couple planted at each driveway entrance.”

With a search of the Montana Natural Heritage Program, there are no critical plant communities’ onsite.

Concerning impacts, the EA indicates, “The property is under contract with a custom farmer to plant, fertilize, spray and harvest the property. Other than the extreme edges of the property, there should be no weeds associated... Areas disturbed by driveway and home construction will be reseeded in compliance with the County Weed Department requirements and the River Vista CC&R’s”

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.

#### **16. Riparian/Wetland Areas**

There are no mapped riparian or wetland areas on the subject property.

**Finding #10** – No impacts to the flora and riparian/wetland area are anticipated because the property is currently all cropland, there are no mapped riparian or wetlands on the subject property, and a weed management plan shall be approved by the Flathead County Weed Board prior to final plat approval.

#### **17. Floodplain**

The subject property according to FEMA FIRM Panel 1840J still shows a small portion of the property within the 100-year floodplain however, the property was shown to be naturally above the BFE and this the property received a LOMA, Case # 07-08-0553A. The result is that the property is not within the 100-year floodplain.

**Finding #11** – The proposal would not introduce adverse impacts to public health and safety in regard to flood risk because the property is not located within the 100-year floodplain.

#### **18. Wildlife and Wildlife Habitat**

Given the agricultural nature of the subject property, impacts as a result of the proposed subdivision to wildlife are expected although they can be minimized with the education of lot owners to the rural nature and wildlife in the area and prevention.

According to the EA concerning Wildlife and Wildlife Habitat, “The proposed subdivision is an amended plat of the original River Vista Subdivision which received final plat in 2007. In the original subdivision, the applicant and his consultants worked closely with FW&P’s on the subdivision and mitigations. Setbacks were created and formal public access was granted to the slough where none existed prior. This specific subdivision of Lot 4 did not have any sensitive land, waterbodies or species of concern. As a result the splitting of Lot 4 should not have any foreseeable impacts on rare or endangered species.”

Comment from FWP states, “These agricultural lands along the river corridor once provided important habitat for numerous wildlife species, including spring nesting habitat and fall feeding for migratory waterfowl, pheasants and turkeys, as well as habitat for white tailed deer, Black bears also use this river corridor and adjacent lands. Increased development in the area has significantly reduced the value of these lands to wildlife; however, the lot in question is still used by deer, some waterfowl, pheasants, and the occasional black bear. Increased human dwelling in the area will result in increased levels of human-wildlife conflicts, and continued cumulative loss of wildlife habitat and connectivity.” The comment continues on to recommend educational literature and suggestions to minimize wildlife/human conflicts.

**Finding #12** – The proposed subdivision is anticipated to have a minimal impact on wildlife and wildlife habitat because although the property is currently agricultural and being developed as residential, the proposed subdivision would create only one additional lot and human-wildlife conflicts can be minimized with the education of property owners.

**19. Historical Features**

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

The State Historic Preservation Office states, “According to our records there have been no previously recorded sites within the designated search locale. We, therefore, feel that a recommendation for a cultural resource inventory is unwarranted at this time.”

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

There are no high-pressure gas lines or high voltage electrical lines on the subject property. Comments received from the Bonneville Power Administration state, “At this time, BPA does not object to this request, as the property is located 1.75 miles away from the nearest BPA transmission lines or structures.”

**21. Airport Influence Areas**

The subject property is not located within a public Airport Influence Area.

**Finding #13** – The proposal does not appear to have an impact on historical features, high voltage electric lines, or high pressure gas lines because there are no known historical features and the property is not located near high voltage electric lines or high pressure gas lines.

**Finding #14** –The proposal does not appear to have an impact on the airport influence area because the proposal is not within a public Airport Influence Area.

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

**Finding #15** – 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**

The applicant is not requesting any variances with this proposal.

**Finding #16** - No variances are requested or required. The proposed subdivision is in general compliance with the Flathead County Subdivision Regulations, effective December 3, 2018 as compliant legal and physical access would be provided and potential impacts to the primary review criteria appear able to be adequately addressed by conditions.

## **2. Flathead County Subdivision Review Procedure**

- i. Pre-application Conference Date**  
April 6, 2020
- ii. Application Deadline Date (6 months from pre-application)**  
October 6, 2020
- iii. Application Submittal Date**  
June 19, 2020
- iv. Completeness Date**  
June 23, 2020
- v. Sufficiency Date**  
June 29, 2020
- vi. Agency Referral Requests Mailing Date**  
July 14, 2020
- vii. Adjacent Property Notification Mailing Date**  
July 24, 2020
- viii. Legal Notice Publication Date**  
July 24, 2020
- ix. On-site Posting of Public Hearing Date**  
July 21, 2020

**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**

As shown on the preliminary plat, primary access to the lots within the subdivision would be from Wagner Lane via Lower Valley Road. Wagner Lane will provide physical access to the subdivision. As previously stated, Wagner Lane is a paved County road within a 60-foot easement. A new approach permit through Flathead County Road and Bridge Department will ensure the subdivision will have compliant legal and physical access from Wagner Lane.

**Finding #19** – The preliminary plat includes adequate provisions for legal and physical access to the subdivision because it is already paved to meet Flathead County Road Standards and the applicants will be required to contact the Flathead County Road and Bridge Department for approach permit for Wagner Lane 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 proposed subdivision is not located within a 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 proposed subdivision is not located in a zoned area.

**Finding #20** – The proposal generally complies with applicable plans because the property is not zoned, is not located in a neighborhood plan area and the proposal conforms to the regulations used in the review of subdivision in Flathead County.

**V. CONCLUSION**

In accordance with the provisions of Section 4.2 of the Flathead County Subdivision Regulations, a review and evaluation of the first minor subdivision application has been completed by Planning and Zoning staff and forwarded to the Flathead County Commissioners for their consideration. The proposed subdivision appears to generally comply with the applicable design standards and subdivision review criteria found in Section 4.7 FCSR, pursuant to the Findings of Fact stated above.

Should the Flathead County Board of Commissioners choose to grant preliminary plat approval to Rolling Acres, the draft conditions found in Exhibit B should be considered to supplement the decision and mitigate impacts anticipated as a result of the subdivision.

Planner: LM

**FINDINGS OF FACT**  
**SUBDIVISION REPORT # FPP-20-14**  
**AMND PLAT OF LOT 4 OF RIVER VISTA**  
**JULY 27, 2020**

1. There would be minimal impact on agriculture or agricultural water user facilities as a result of the proposed subdivision because the property has no existing irrigation infrastructure on site, and is not in an irrigation district.
2. The subdivision will have minimal impact on water and wastewater because the subdivision will utilize both individual wells and septic systems, which has met the MDEQ requirements, and the subdivision will be subject to review from the Flathead City-County Environmental Health Department.
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.
4. The road system appears to be acceptable because the primary access point would be from Wagner Lane, which is a paved two-lane County maintained road within a 60 feet easement and connects with Lower Valley Road, which is also a County maintained road.
5. Adverse impacts on schools, mail delivery and recreation are not anticipated as a result of the proposal subdivision because the mail box site will be required to be approved by the local postmaster, the proposal has the potential to add less than one school child, a 15 feet wide bike/pedestrian easement will be required to be clearly marked on the final plat and is exempt from parkland dedication requirement.
6. Impacts on fire/medical and 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 Somers-Lakeside Fire Department and Flathead County Sheriff's Department in the event of an emergency, and the property is not mapped within the Wildland Urban Interface.
7. Adverse impacts to air quality and noise are not anticipated with standard conditions because all roads accessing the subdivision are already paved, new driveways 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.
8. The soils on the subject property appear to be acceptable because the soil is not subject to ponding or flooding and is well drained, the subdivision will utilize individual septic and wells and stormwater is required to be reviewed and approved by MDEQ.
9. No impacts from 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. It has also been removed from the 100-year floodplain.
10. No impacts to the flora and riparian/wetland area are anticipated because the property is currently all cropland, there are no mapped riparian or wetlands on the subject property and a weed management plan shall be approved by the Flathead County Weed Board Prior to final plat approval.

11. The proposal would not introduce adverse impacts to public health and safety in regard to flood risk because the property is not located within the 100-year floodplain.
12. The proposed subdivision is anticipated to have a minimal impact on wildlife and wildlife habitat because although the property is currently agricultural and being developed as residential, the proposed subdivision would create only one additional lot and human-wildlife conflicts can be minimized with the education of property owners.
13. The proposal does not appear to have an impact on historical features, high voltage electric lines, or high-pressure gas lines because there are no known historical features and the property is not located near high voltage electric lines or high-pressure gas lines.
14. The proposal does not appear to have an impact on the airport influence area because the proposal is not within a public Airport Influence Area.
15. 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.
16. No variances are requested or required. The proposed subdivision is in general compliance with the Flathead County Subdivision Regulations, effective December 3, 2018 as compliant legal and physical access would be provided and potential impacts to the primary review criteria appear able to be adequately addressed by conditions.
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.
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.
19. The preliminary plat includes adequate provisions for legal and physical access to the subdivision because it is already paved to meet Flathead County Road Standards and the applicants will be required to contact the Flathead County Road and Bridge Department for approach permit for Wagner Lane Road.
20. The proposal generally complies with applicable plans because the property is not zoned, is not located in a neighborhood plan area and the proposal conforms to the regulations used in the review of subdivision in Flathead County.

**CONDITIONS OF APPROVAL  
SUBDIVISION REPORT # FPP-20-14  
AMND PLAT OF LOT 4 OF RIVER VISTA  
JULY 27, 2020**

**A. Standard Conditions**

1. The developer shall receive physical addresses in accordance with Flathead County Resolution #1626C. All road names shall appear on the final plat. Street addressing shall be assigned by Flathead County. [Section 4.7.16(g)(iv) and 4.7.26(c) Flathead County Subdivision Regulations (FCSR)]
2. The developer shall comply with reasonable fire suppression and access requirements of the Evergreen Fire District. A letter from the fire chief stating that the plat meets the requirements of the Fire District (or Department) shall be submitted with the application for Final Plat. [Section 4.7.26(b) FCSR]
3. All areas disturbed during development of the subdivision shall be re-vegetated in accordance with an approved Weed Control Plan and a letter from the County Weed Supervisor stating that the Weed Control Plan has been approved shall be submitted with the final plat. [Section 4.7.25 FCSR]
4. Design and construction of all internal subdivision roads shall be certified by a licensed engineer and constructed and paved as proposed in accordance with the *Flathead County Minimum Standards for Design and Construction*, with road widths determined per the PUD in place as applicable. [Sections 4.7.16, 4.7.17 FCSR]
5. With the application for final plat, the developer shall provide a compliant Road Users' Agreement or CC&R document which requires each property owner to bear his or her pro-rata share for maintenance of the roads within the subdivision and for any integral access roads lying outside the subdivision. [Section 4.7.15(e), FCSR]
6. All utilities shall be extended underground to abut and be available to each lot, in accordance with a plan approved by the applicable utility providers. [Section 4.7.23 FCSR]
7. The proposed water, wastewater treatment, and stormwater drainage systems for the subdivision shall be reviewed, approved, and permitted as applicable by the Flathead City-County Health Department, and approved by the Montana Department of Environmental Quality. [Sections 4.7.20 and 4.7.21 FCSR]
8. The mail delivery site shall be provided with the design and location approved by the local postmaster of USPS. A letter from the postmaster stating that the developer has met their requirements shall be included with the application for final plat. [Section 4.7.28 FCSR]
9. In order to assure the provisions for collection and disposal of solid waste, the developer shall submit a letter from the applicable solid waste contract hauler stating that the hauler is able to provide service to the proposed subdivision. [Section 4.7.22 FCSR]



- 10.** The owners shall abide by the guidelines set forth in the approved Dust and Air Pollution Control and Mitigation Plan during and after site construction and development activities. [Section 4.7.14 FCSR]
- 11.** All road names shall be approved by Flathead County and clearly identified and house numbers will be clearly visible from the road, either at the driveway entrance or on the house. House numbers shall be at least four inches in length per number. [Section 4.7.26(c) FCSR]
- 12.** The following statements shall be placed on the face of the final plat applicable to all lots:
  - a. All road names shall be assigned by the Flathead County Address Coordinator and clearly identified and house numbers will be clearly visible from the road, either at the driveway entrance or on the house. House numbers shall be at least four inches in length per number. [Section 4.7.26(c) FCSR]
  - b. All utilities shall be placed underground. [Section 4.7.23 FCSR]
  - c. The owners shall abide by the guidelines set forth in the approved Dust and Air Pollution Control and Mitigation Plan during and after site construction and development activities. [Section 4.7.14 FCSR]
  - d. Solid Waste removal for all lots shall be provided by a contracted solid waste hauler. [Section 4.7.22, FCSR]
  - e. Lot owners are bound by the Weed Control Plan to which the developer and the Flathead County Weed Department agreed. [4.7.25 FCSR]
- 13.** The final plat shall comply with state surveying requirements. [Section 76-3-608(b)(i) M.C.A.]
- 14.** Where the aggregate total disturbed area of any infrastructure construction in the proposed subdivision as defined in A.R.M. 17.30.1102(28) is equal to, or greater than one acre; or where when combined with subsequent construction of structures such disturbed area will be equal to, or greater than one acre, a Montana State Department of Environmental Quality (DEQ) General Permit for Stormwater Discharges Associated with Construction Activity (General Permit) shall be obtained prior to any site disturbance or construction and a copy of the DEQ confirmation letter shall be provided to the Flathead County Planning & Zoning office prior to final plat approval. [17.30.1115 Administrative Rules of Montana (A.R.M.)]
- 15.** All required improvements shall be 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 applicant shall show proof of a completed approach permit from the Flathead County Road and Bridge Department for the new approach onto Wagner Lane, indicating the approach has been developed and received final inspection and final approval. [Section 4.7.16, FCSR]