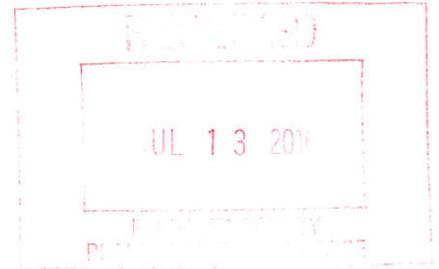


Flathead County Planning & Zoning

1035 1st Ave W, Kalispell, MT 59901
Telephone 406.751.8200 Fax 406.751.8210



MAJOR SUBDIVISION PRELIMINARY PLAT APPLICATION

Submit this application, all required information, and appropriate fee (see current fee schedule) to the Planning & Zoning office at the address listed above.

FEE ATTACHED \$ 2790.00+ addresses

SUBDIVISION NAME: Whitefish River Trails, Phase 2 - 5

OWNER(S) OF RECORD:

Name: Conservation Land Use, LLC Attn: Robert Rigg Phone: (406) 885-8558

Mailing Address: 31 Bar H Drive

City, State, Zip: Kalispell, MT 59901

Email: _____

APPLICANT (IF DIFFERENT THAN ABOVE):

Name: Same Phone: _____

Mailing Address: _____

City, State, Zip Code: _____

Email: _____

TECHNICAL/PROFESSIONAL PARTICIPANTS:

Name: Sands Surveying, Inc , Attn: Eric Mulcahy Phone: (406) 755-6481

Mailing Address: 2 Village Loop

City, State, Zip: Kalispell, MT 59901

Email: eric@sandssurveying.com

Name: Environmental Consulting Services Phone: (406) 257-0679

Mailing Address: 2 Village Loop

City, State, Zip: Kalispell, MT 59901

Email: _____

LEGAL DESCRIPTION OF PROPERTY:

Street Address Mannington Street

City/State & Zip Kalispell

Assessor's Tract No.(s) Tract 2 (Tract 1 of COS 20164) Lot No.(s) N/A

Section 20 and 21 Township 29N Range 21W

GENERAL DESCRIPTION/TYPE OF SUBDIVISION: _____

The applicant is proposing a 17 lot cluster subdivision in the SAG-5 zone. Of the seventeen lots, the open space lot (Lot 21) is 42 acres in size while the remainder of the lots average 1.28 acres gross. The subdivision utilizes the density bonus of the clustering regulations and will comply with the single family residential use.

Number of Lots or Rental Spaces 17 Total Acreage in Subdivision 63.089 ac
Total Acreage in Lots 60.603 acres Minimum Size of Lots or Spaces 1.122 (gross) ac
Total Acreage in Streets or Roads 2.486 ac Maximum Size of Lots or Spaces 42.478 ac
Total Acreage in Parks, Open Spaces and/or Common Areas Lot 21 is the 42.478 acre open space lot

PROPOSED USE(S) AND NUMBER OF ASSOCIATED LOTS/SPACES:

Single Family X (17) Townhouse _____ Mobile Home Park _____
Duplex _____ Apartment _____ Recreational Vehicle Park _____
Commercial _____ Industrial _____ Planned Unit Development _____
Condominium _____ Multi-Family _____ Other _____

APPLICABLE ZONING DESIGNATION & DISTRICT: The property is zoned SAG-5

IS SUBJECT PROPERTY LOCATED WITHIN 3-MILE BUFFER OF KALISPELL, WHITEFISH, OR COLUMBIA FALLS? The property is located within three miles of Kalispell.

ESTIMATE OF MARKET VALUE BEFORE IMPROVEMENTS: \$6,300.00 per acre

IMPROVEMENTS TO BE PROVIDED:

Roads: _____ Gravel X Paved _____ Curb _____ Gutter _____ Sidewalks _____ Alleys _____ Other _____

* **Water System:** _____ Individual X Shared _____ Multiple User _____ Public _____

* **Sewer System:** X Individual _____ Shared _____ Multiple User _____ Public _____

Other Utilities: _____ Cable TV X Telephone _____ X Electric _____ Gas _____ Other _____

Solid Waste: _____ Home Pick Up _____ Central Storage X Contract Hauler _____ Owner Haul _____

Mail Delivery: X Central _____ Individual _____ School District: Kalispell SD #5

Fire Protection: _____ Hydrants X Tanker Recharge _____ Fire District: West Valley

Drainage System: On-site

JUL 13 2016

* **Individual** (one user)
Shared (two user)
Multiple user (3-9 connections or less the 25 people served at least 60 days of the year)
Public (more than 10 connections or 25 or more people served at least 60 days of the year)

PROPOSED EROSION/SEDIMENTATION CONTROL: BMP's as needed

VARIANCES: ARE ANY VARIANCES REQUESTED? Yes (yes/no)
(If yes, please complete the information on page 3)

SECTION OF REGULATIONS CREATING HARDSHIP: 4.7.17 (FCSR) and Flathead County's "Minimum Standards for Design and Construction"; Table 1 - Local road pavement width of 22-feet.

PLEASE RESPOND TO THE FOLLOWING STATEMENTS IN THE SPACES PROVIDED BELOW: (The Commission shall not approve a variance unless it finds that all of the following are met)

1. The variance will not be detrimental to the public health, safety, or general welfare or injurious to other adjoining properties.
The requested variance addresses what we consider a driveway that will provide access to a single residential building envelope on Lot 21. The easement "road" to the building envelope on Lot 21 does not provide vehicle access or pedestrian access for any other lot or member of the public, it is solely for the owner of Lot 21. Because the access to the building envelope is via an easement, the Subdivision Regulations consider this a "road" and triggers the provision of 4.7.17 above.

The applicant request a variance to construct a 12-foot paved driveway instead of a 22 foot paved subdivision road as this access will only serve the one lot. The proposed driveway will be constructed within a 60-foot easement with 100-foot curve radius meeting the County Design Standards; only the paving width would be varied. The driveway will be no different than many of the neighboring driveways as it serves a single lot in the Whitefish River Trail subdivision. As Lot 21 will be deed restricted to prohibit further subdivision, it should not need widening and the paving should address road dust and air quality.

2. Due to the physical surroundings, shape, or topographical conditions of the property involved, strict compliance with the regulations will impose an undue hardship on the owner. Undue hardship does not include personal or financial hardship, or any hardship that is self imposed.
The road/driveway in questions starts between Lots 8 and 9 of Whitefish River Trails Phases 2 - 5 and serves Lot 21 the agricultural open space lot. The proposed 12-foot paved driveway will serve the residence that can be constructed on Lot 21 and this lot alone. No other use is proposed for the driveway at this time. The driveway is not open for public use and the agricultural open space lot is not a public park. As the driveway is approximately 2586 feet in length it would be a hardship to require construction of almost 1/2 mile of 22-foot paved subdivision road for a single lot.
3. The variance will not cause a substantial increase in public costs, now or in the future.
As stated above, the driveway is private and not open to the general public or other residents of the subdivision. As such, the driveway would not be subject to public

JUL 13 2016

expenditures for maintenance or upgrades. The variance will not cause an increase in public costs.

4. The variance will not place the subdivision in nonconformance with any adopted growth policy, neighborhood plan or zoning regulations.
The Growth Policy nor the Flathead County Zoning Regulations stipulate that a single lot needs more than a driveway access to a subdivision road. It should be pointed out that this subdivision is within the Two River Neighborhood Plan which prescribes urban densities and also open space along the Whitefish River corridor. The proposed subdivision design promotes the Two Rivers Plan by setting Lot 21 as the agricultural open space parcel.
5. The variance is consistent with the surrounding community character of the area.
The subdivision is located in an agricultural/suburban agricultural setting. There are countless long driveways off Whitefish Stage and area subdivision roads that serve a single house and are developed to a narrow width of 12 to 16 feet.

APPLICATION CONTENTS:

1. Completed Preliminary Plat application *(If submitting bound copies of the application materials, please also include one **unbound** copy for replication purposes).*
2. 14 folded copies of the preliminary plat. *(Either 18" X 24" or 24" X 36" per Appendix B- Flathead County Subdivision Regulations).*
3. One reproducible set of supplemental information *(See Appendix B -Flathead County Subdivision Regulations).*
4. One reduced copy of the preliminary plat not to exceed 11" x 17" in size.
5. Application fee.
6. A **Certified** Adjoining Property Owners List must be submitted with the application *(see attached form)*. The list will be sent directly to the Planning & Zoning office, unless you request otherwise. This list is valid for a period of 6 months from date generated. You may also get a certified adjoining landowners list from a title company if you choose.

This application shall be submitted, along with all information required by the applicable Subdivision Regulations and the Montana Subdivision and Platting Act, and the appropriate fee to:

**Flathead County Planning & Zoning Office 1035 First Avenue West
Kalispell, Montana 59901 - Phone: (406) 751-8200 Fax: (406) 751-8210**

I hereby certify under penalty of perjury and the laws of the State of Montana that the information submitted herein, on all other submitted forms, documents, plans or any other information submitted as a part of this application, to be true, complete, and accurate to the best of my knowledge. Should any information or representation submitted in connection with this application be untrue, I understand that any approval based thereon may be rescinded and other appropriate action taken. The signing of this application signifies approval for the Flathead County Planning and Zoning staff to be present on the property for routine monitoring and inspection during the approval and development process.

Applicant Signature

Date

Owner(s) Signature *(all owners must sign)*

Date

Owner(s) Signature *(all owners must sign)*

Date