

FLATHEAD COUNTY PLANNING AND ZONING OFFICE
SUBDIVISION REPORT # FPP-22-29
NORTSHORE WOODS
JULY 25, 2023

I. GENERAL INFORMATION

A. Project Description

The proposal is for preliminary plat approval for a 51-lot residential subdivision, with the potential for future subdivision of the open space. The residential lots would be served by Bigfork Water and Sewer. Primary access to the lots would be from Peaceful Drive via Highway 35, with secondary access from Bigfork Stage.

B. Project Personnel

i. Owner/Applicant

Longbow Land Partners, LLC
970 W Broadway #446, Suite E Box 30000
Jackson, WY 83001

ii. Technical Representative

WGM Group
431 1st Ave West
Kalispell, MT 59901

C. Application Review Dates

1. Land Use Advisory Committee/Council

The proposed land use is located within the advisory area of the Bigfork Land Use Advisory Committee (BLUAC). The BLUAC will conduct a public hearing on the proposed subdivision on July 27, 2023, at 5:30 P.M. at Bethany Lutheran Church, located at 8559 Highway 35, Bigfork, MT 59911. A recommendation from the BLUAC will be forwarded to the Flathead County Board of Adjustment for their consideration.

2. Planning Board

The Flathead County Planning Board will hold a public hearing on the proposed subdivision on August 9, 2023, at 6:00 P.M. in the Second Floor Conference Room of the South Campus Building located at 40 11th Street West in Kalispell, MT. A recommendation from the Planning Board will be forwarded to the Flathead County Board of Commissioners for their consideration.

Update: On August 9th, 2023 the planning board held a public hearing on this file. At the meeting, staff reviewed the file, the applicant presented, and the public gave their testimony. After the hearing was closed, the planning board requested that the developer provide additional information regarding the 51 lots proposed. After, the planning board requested the applicant extend the timeline to when September ends and voted to table the matter until a future date which passed unanimously.

Update: On September 12th, 2023, the Flathead County Board of Commissioners held a hearing regarding the submittal of an addendum to the Traffic Impact Study regarding the 51 lots proposed, as well as a statement submitted by the Montana Department of Transportation. At the hearing the Board of Commissioners voted unanimously to have the Planning Board hold an additional hearing regarding the new documents. Pursuant to Section 4.4.7, the deadline for review begins after the Planning Board holds a Public Hearing regarding the new information.

Update: On October 11, 2023 the Flathead County Planning Board had a hearing regarding the new information submitted in regards to the Traffic Impact Study and comment from the Montana Department of Transportation. At the public hearing the staff presented the new information, the applicant clarified and described the intent.

Public testimony was heard, and the hearing was closed. After the Planning Board voted to amend Finding of Fact #9 which passed unanimously, to adopt the Findings of Fact as amended, which passed unanimously, and voted to forwards a positive recommendation with a vote of (4-1). Pursuant to Section 4.4.7, the deadline for review began after the Planning Board held a Public Hearing regarding the new information. There were 13 working days left in September when the review period was put on hold pursuant to 4.4.7. As such, the review period will begin 5-days after the Planning Board Hearing pursuant to FCSR Section 4.4.7(a). The review deadline will be November 6, 2023.

3. Commission

The Flathead County Board of Commissioners will review this proposal after the Planning Board's public hearing and before August 31, 2023, which is the end of the extended review period, agreed upon by the developer and the Flathead County Planning Director.

II. ADMINISTRATIVE CHARACTERISTICS

A. Legal Description and Detailed Location of Subject Property

The subject property is accessed from Bigfork Stage and Highway 35 via Peaceful Drive near Bigfork, Montana, and totals approximately 105.03 acres (see Figure 1 below). The properties can be legally described as follows:

Tract 1:

A tract of land situated, lying and being in the Northwest Quarter of the Northwest Quarter of Section 30, Township 27 North, Range 19 West, P.M.M., Flathead County, Montana, described as follows:

Commencing at the Northwest section corner of Section 30, Township 27 North, Range 19 West, P.M.M., Flathead County, Montana; Thence South 0°26'44" East and along the Westerly boundary line of Section 30, a distance of 1222.42 feet to a set iron pin which is the true point of beginning of the tract of land being described; Thence South 71°36'52" East, a distance of 153.94 feet to a set iron pin of the Westerly right-of-way of a 60 feet county road; Thence South 23°03'23" West, and along said road right-of-way, 60.20 feet to a found iron pin which is the Northeast corner of a tract of land on recorded Certificate of Survey No. 1066; Thence North 71°36'52" West, a distance of 128.57 feet to a set iron pin on the Westerly boundary line of Section 30; Thence North 0°26'44" West, and along said section line, 63.39 feet to the place of beginning,

Tract 2:

A tract of land situate, lying and being in the East Half of Section 25, Township 27 North, Range 20 West, P.M.M., and the Southwest Quarter of Section 30, Township 27 North, Range 19 West, P.M.M., Flathead County, Montana, and more particularly described as follows:

Beginning at the East Quarter corner of Section 25, Township 27 North, Range 20 West, P.M.M., Flathead County, Montana; Thence North 0°26'44" West, and along the

Easterly boundary line of Section 25, 1829.63 feet to an iron pin; Thence South 89°41'22" West, a distance of 1324.00 feet to an iron pin; Thence South 0°52'30" East a distance of 502.4 feet to a concrete monument which is the Northeast corner of the SW¼NE¼ (set by others); Thence South 89°44'20" West, and along the Northerly boundary line of the SW¼NE¼, a distance of 103.40 feet to an iron pin; Thence South 1°45'50" East a distance of 292.33 feet to an iron pin; Thence South 0°51'20" East a distance of 301.73 feet to an iron pin; Thence South 6°40'50" West a distance of 300.84 feet to an iron pin; Thence South 5°30'40" West a distance of 199.92 feet to an iron pin which is the Northeast corner of Lake Meadows Estates Subdivision No. 1 of which plat or map is on file in the Clerk and Recorders Office of Flathead County, Montana; Thence South 8°36'50" West and along the Easterly boundary line of said subdivision No. 1 a distance of 100.1 feet to an iron pin; Thence South 8°24'00" West and continuing along same subdivision boundary, a distance of 202.70 feet to an iron pin which is the Southeast corner of said subdivision; Thence South 12°36'00" West a distance of 365.8 feet to an iron pin; Thence South 13°44'30" West, a distance of 745.1 feet to an iron pin; Thence South 16°04'30" West a distance of 201.9 feet to an iron pin which is on the Southerly boundary line of the N½SE¼; Thence North 89°26'00" East and along said boundary line a distance of 1868.9 feet to an iron pin; Thence North 5°45'56" West a distance of 132.86 feet to an iron pin; Thence North 6°37'16" West a distance of 133.06 feet to an iron pin; Thence North 88°35'50" East a distance of 330.52 feet to an iron pin; Thence North 8°28' West a distance of 60.27 feet to an iron pin; Thence South 88°35'50" East a distance of 350.60 feet to an iron pin; Thence North 15°39' West a distance of 129.00 feet to an iron pin; Thence North 24°26' West a distance of 135.85 feet to an iron pin; Thence North 88°35'50" East a distance of 350.93 feet to an iron pin; Thence North 33°18'30" West a distance of 294.72 feet to an iron pin; Thence North 14°57'30" West a distance of 257.24 feet to an iron pin; Thence South 88°35'50" West a distance of 351.53 feet to an iron pin; Thence North 11°20' West a distance of 126.94 feet to an iron pin; thence North 6°02'30" East a distance of 127.27 feet to an iron pin; Thence North 88°35'50" East a distance of 351.81 feet to the place of beginning.

EXCEPTING THEREFROM THE FOLLOWING DESCRIBED TRACTS OF LAND:

Tract 1 of Certificate of Survey No. 6255, a tract of land located in the Southwest Quarter of the Northeast Quarter of Section 25, Township 27 North, Range 20 West, P.M.M., Flathead County, Montana.

AND

Tract 1 of Certificate of Survey No. 9288, a tract of land located in the Northwest Quarter of the Southeast Quarter of Section 25, Township 27 North, Range 20 West, P.M.M., Flathead County, Montana.

AND

Tract 2 of Certificate of Survey No. 9288, a tract of land located in the Northwest Quarter of the Southeast Quarter of Section 25, Township 27 North, Range 20 West, P.M.M., Flathead County, Montana.

AND

Tract 1 of Certificate of Survey No. 15073, a tract of land located in the Northeast Quarter of Section 25, Township 27 north, Range 20 West, P.M.M., Flathead County, Montana.

AND

Parcel A of Certificate of Survey No. 20268, a tract of land located in the Southeast Quarter of the Northeast Quarter of Section 25, Township 27 North, Range 20 West, P.M.M., Flathead County, Montana.

Figure 1: Aerial of subject property highlighted in blue



B. Subdivision Layout Detail

1. Total Subdivision Acreage:	105.03 acres
2. Acreage in Lots:	25.73 acres
3. Acreage in Roads:	6.54 acres
4. Park/Common Area/Open Space Acreage:	10.75 acres
5. Space Reserved for Future Phases:	62.01 acres
6. Minimum Lot Size:	0.27 acres
7. Maximum Lot Size:	1.17 acres
8. Density:	1 unit per 2.06 acres

C. Current Land Use and Zoning

The subject property is within the Bigfork Zoning District and is zoned RC-1. The property is undeveloped forested land. The property contains areas of steep slopes.

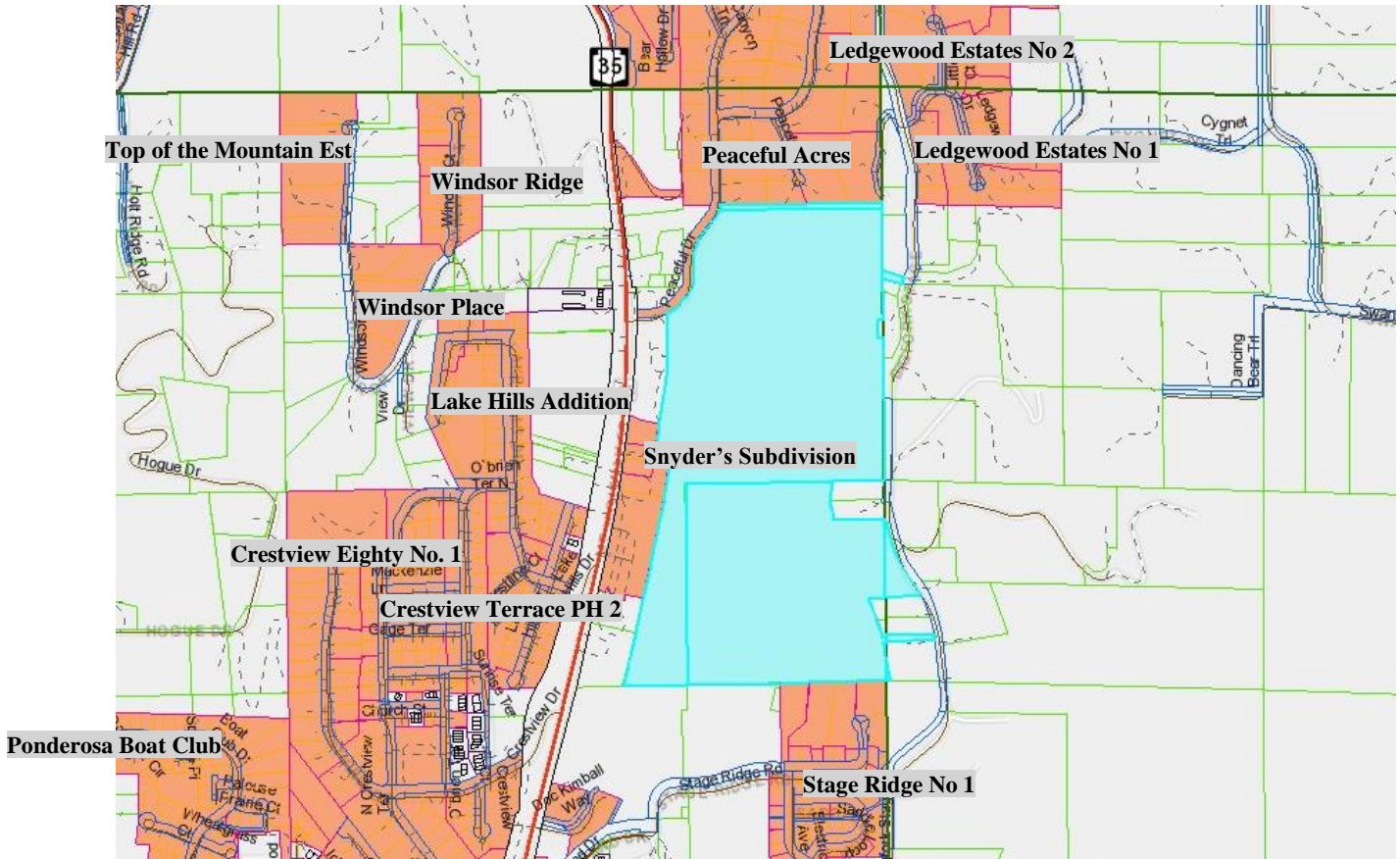
D. Proposed Land Use

The proposed subdivision would create 51 residential lots. The applicant is proposing areas of open space. The applicant is requesting a zoning map amendment from the existing RC-1 and R-1 to R-2 as well as a PUD overlay to the proposed R-2 zone. The requested deviations from the R-2 zone include a departure from the minimum lot area of 20,000 square feet to 10,000 square feet, from the minimum lot width of 100 feet to 60 feet, and from the side corner and side setbacks of 20 feet and 10 feet to 15 feet and 5 feet, respectively. All lots would be served by an internal subdivision road accessed from Peaceful Drive via Highway 35 and from Bigfork Stage.

E. Previously Considered Subdivisions in Area

Subdivision Name (year approved)	Type	Total Lots	Average Lot Size
Snyder's Subdivision (2000)	Commercial	2	1.5 acres
Crestview Terrace Ph 2 (2003)	Residential	42	0.25 acres
Crestview Eighty No. 1 (1984)	Residential	39	0.50 acres
Ponderosa Boat Club (2006)	Residential	62	0.35 acres
Stage Ridge No 1 (1994)	Residential	52	0.14 acres
Lake Hills Addition (1963)	Residential	60	0.32 acres
Peaceful Acres (1973)	Residential	67	1.5 acres
Windsor Place (1977)	Residential	5	1.8 acres
Top of the Mountain Estates (1977)	Residential	5	2.05 acres
Windsor Ridge (2003)	Residential	17	0.50 acres
Ledgewood Estates No 1 (1979)	Residential	5	1.5 acres
Ledgewood Estates No 2 (1983)	Residential	19	1.7 acres

Figure 3 – Area subdivisions, subject property outlined and filled with blue



F. Utilities and Services

1. **Water** – Bigfork Water
2. **Wastewater** – Bigfork Sewer
3. **Electricity** – Flathead Electric Cooperative
4. **Natural Gas** – N/A
5. **Solid Waste** – Republic Services
6. **Telephone Service** – CenturyLink
7. **School District(s)** – Bigfork Elementary and High School District
8. **Fire District(s)** – Bigfork Fire District
9. **Police** – Flathead County Sheriff's Office

III. COMMENTS RECEIVED

A. Agency Comments

1. Referrals were sent to the following agencies on May 4, 2023:
 - Flathead County Solid Waste
 - Montana Department of Transportation
 - Flathead County Road and Bridge Dept.
 - Flathead County Superintendent of Schools
 - Flathead City-County Health Department
 - Flathead County Weeds & Parks Department
 - Flathead County GIS
 - Flathead County Sheriff
 - Bigfork High School District
 - Bigfork School District #6
 - Bigfork Fire District
 - MT Fish, Wildlife, & Parks
 - Bonneville Power Administration BPA
 - DEQ
 - DNRC
2. The following is a summarized list of agency comment received as of the date of the completion of this staff report. Note this summary includes a comment earmarked for a zone change request, but was found to be applicable to this proposal:
 - Flathead City-County Health Department – Environmental Health Services
 - Comment: “This proposal is subject to review under Title 76-4 Part 1 Sanitation in Subdivision, MCA. This review will address water supply, wastewater, storm water drainage and solid waste disposal.
 - “Fugitive dust would be required to be adequately controlled during construction.”
Letter received May 22, 2023.
 - Flathead County Solid Waste District
 - Comment: “[...] The District requests all solid waste generated at the proposed location be hauled by a private hauler. Republic Services is the licensed (PSC) Public Service Commission private hauler in this area. [...]”
Letter received February 28, 2023.

- Bonneville Power Administration
 - Comment: “BPA has received and reviewed this application and we do not have any objections at this time.”
Letter received May 11, 2023.
- Flathead County Road & Bridge Department
 - Comment: “ Certainly some concern with the intersection of Peaceful and Hwy 35. MDT is addressing as best they can it appears. Not much County Roads can do on an intersection of our road with MDT. All levels of service are good at the internal subdivision and our roads. The paving of [Bigfork] Stage is positive and appears the applicant is saying we will do that so that appears to not be an issue. Don’t know if the [County Commissioners] will have an issue with the LOS at Hwy 35 but I imagine it will come up for discussion as this progresses....”
Letter received May 9, 2023.
- Montana Fish, Wildlife, and Parks
 - Comment: “The impact of any single subdivision or commercial development proposal is typically small. However the effects of subdivisions over time or the cumulative effects of many developments, including future developments, can have significant impacts on wildlife use and movement. These cumulative effects should be considered in the design of the development, should it occur.”
 - The comments go on to discuss the impacts upon Big Game Winter range in the vicinity and the potential for human/wildlife conflicts.
Letter received May 17, 2023

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 June 21, 2023, and legal notice was published in the Daily Interlake on June 25, 2023, and notice of the proposal and public hearing was physically posted onsite on June 26, 2023.

As of the date of the completion of this staff report, a variety of public comments have been received regarding the requested zoning map amendment. There have been 25 comments received in opposition to this request and 1 comment received in support. Comments in opposition are generally regarding the high density of the subdivision in regards to traffic impacts and impacts to water and sewer services.

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 July 1, 2022.

1. Geology

a. Surface Water (Streams, Wetland, Floodplain, etc.)

i. Wetlands

According to the National Wetlands Inventory (NWI) Wetlands Mapper, the subject property contains no areas of designated wetland.

ii. Streams

The National Hydrography Dataset does not illustrate any streams on the Flathead County GIS Interactive Mapping Application (IMA).

iii. Floodplain

According to FEMA FIRM Panel 30029C2305J, the subject property is mapped as unshaded Zone X. The unshaded Zone X designation defines areas outside of the flood hazard area.

Finding #1 – There would not appear to be any impacts to surface waters because there are no wetlands on the subject property, and there are no streams or areas designated as floodplain, as evidenced on FEMA FIRM Panel 30029C2305J.

b. Geology/Soils

Figure 4: Soil Capabilities

Name	Symbol	Drainage	Soil Class	Slopes	Ag/Timber	Percent area
Mires Gravelly loam	7C	Well drained	None/6e	3-7%	Farmland of unique importance	0.7
Mires Gravelly loam	7E	Well drained	None/6e	12-30%	Farmland of unique importance	10.8
Waits and Krause stony loams	8E	Well drained	None/6e	12-40%	Farmland of unique importance	54.8
Flathead very fine sandy	Fe	Well drained	4e/4e	0-3%	All areas prime farmland	8.2
Mires gravelly loam	Mm	Well drained	None/6e	12-30%	Not prime farmland	1.2
Mires loam	Mo	Well drained	3e/3e	3-7%	Farmland of statewide importance	0.5

Waits and Krause stony loam	Wn	Well drained	None/6e	12-40%	Not prime farmland	2.6
Whitefish stony silt loam	Wzh	Well drained	None/6e	20-25%	Not prime farmland	21.1

Figure 5: Slopes

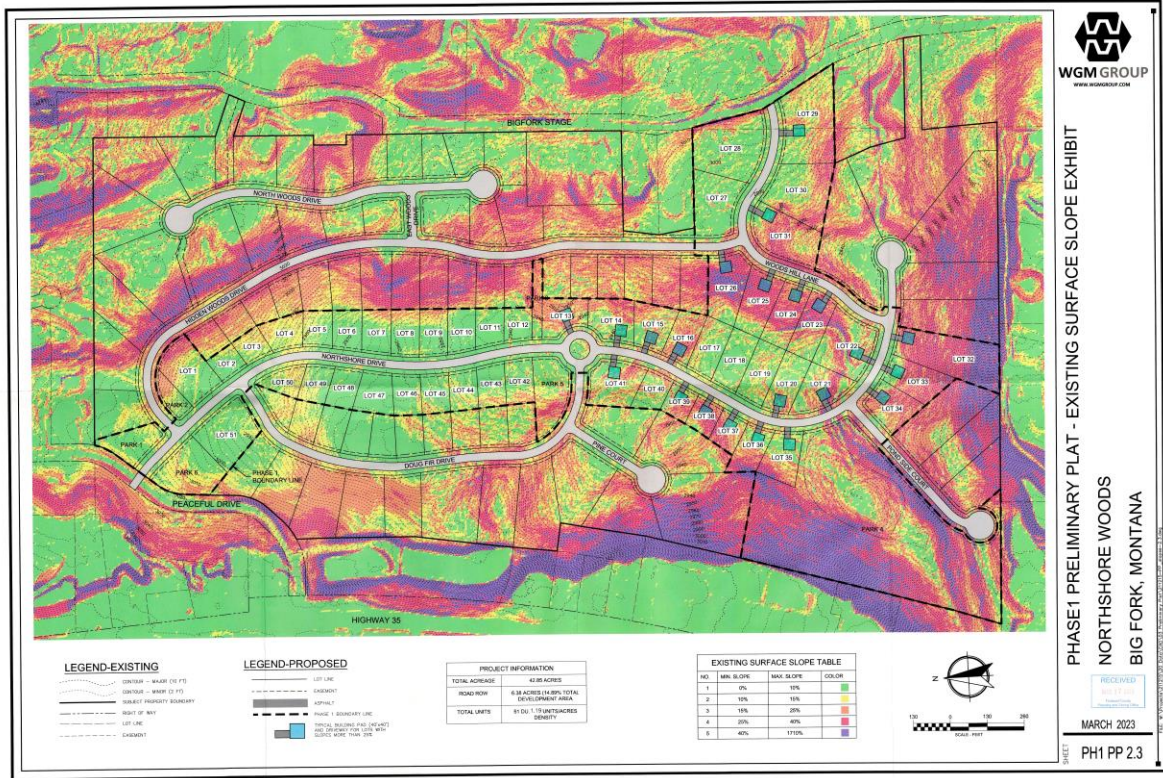
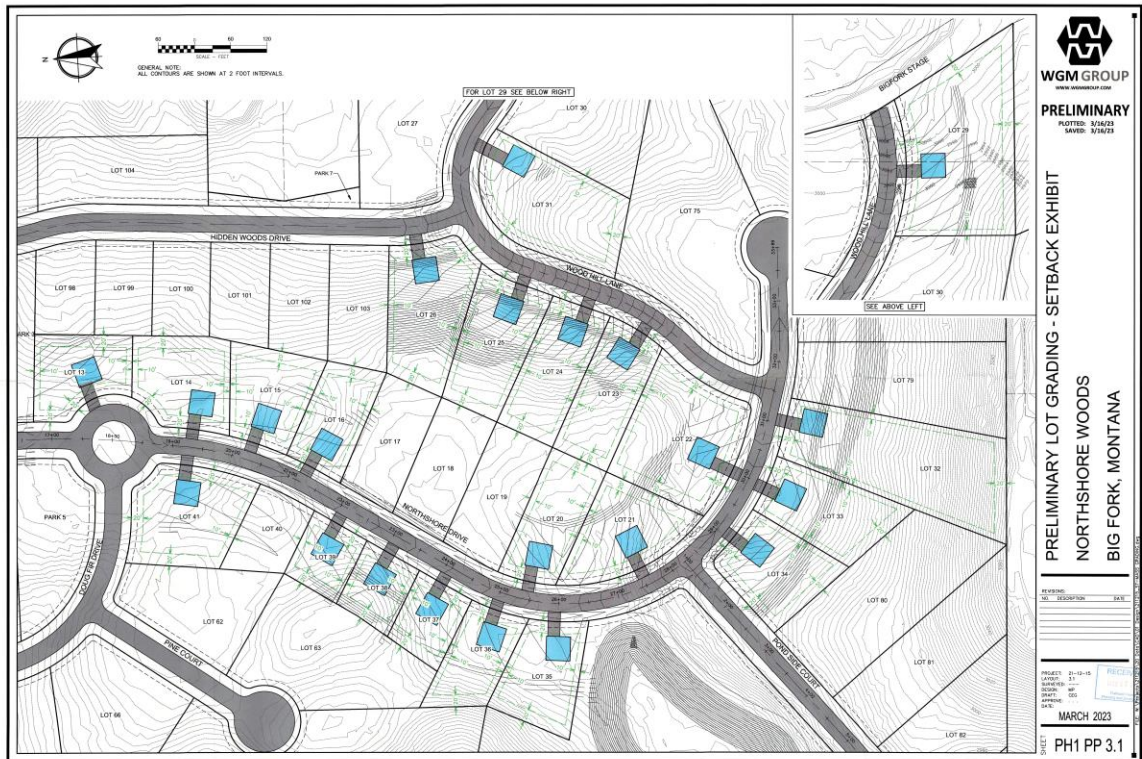


Figure 6: Grading Plan



As evidenced by Figures 4 and 5, there are areas of steep slopes across the property. The Environmental Assessment (EA) submitted by the applicant states, “A geotechnical engineer will be contracted to provide recommendations on slope treatments, foundations, and drainage, retaining walls, and pavement sections... An erosion and sedimentation control plan will be assembled with construction documents to limit impacts to. The remainder of the site will be adjusted to balance earthwork to limit import and export of material.”

Considering the steep slopes of the lot it is difficult to determine whether or not unstable slopes exist. It is likely that, while existing natural vegetation is stabilizing the steep slopes, future development and disturbance of this vegetation, along with the extensive grading plan submitted could create instabilities and increase the rate of erosion and sedimentation during storm and runoff events.

Pursuant to Flathead County Subdivision Regulations (FCSR) Section 4.7.4 states *“Lands on which there is evidence of hazards such as flooding, snow avalanches, rock falls, landslides, steep slopes in excess of 40 percent grade, subsidence, high hazard fire areas, high water table, polluted or non-potable water supply, high voltage lines, high pressure gas lines, air or vehicular traffic hazards or congestion, or other features which may be detrimental to the health, safety or general welfare of existing or future residents, or where development would place unreasonable burdens on the general public including the requirements of excessive expenditure of public funds or environmental degradation shall not be subdivided for building or residential purposes unless the hazards are mitigated or will be overcome by approved design and construction plans.”*

In an effort to mitigate hazards from the steep slopes and in conformance with FCSR 4.7.7 *“Each lot shall have a building site (minimum 40 foot by 40 foot square pad) on existing undisturbed terrain of less than 40 percent slope. Where a building site is not obvious, and when the average slope of a lot exceeds 25 percent, minimum two foot ground contour intervals shall be shown on the preliminary plat for the building pad and driveway. Any building pad on slopes between 25 and 40 percent in cross slope shall be required to undergo a geo-technical soils analysis conducted by a licensed professional engineer prior to final plat approval. The soils analysis must demonstrate that development of this lot would pose no significant geological hazards to either this lot or neighboring properties”* will be a condition of final plat approval.

The property contains well-drained soils and will require review by the City-County Environmental Health Department for storm-water facilities. The applicant submitted a will-serve letter from the Bigfork Water and Sewer District that confirms the ability to serve up to 125 new lots.

Finding #2 – Impacts from the steep slopes contained on the subject property may be able to be mitigated because the subdivision would be conditioned to undergo a geotechnical soils analysis conducted by a licensed professional engineer to demonstrate that: the lots are buildable, and the grading plan would not create hazards for future structures.

2. Flora/Fauna

a. Vegetation

The subject property is mostly made up of forested area. The Montana Natural Heritage Program report identifies eight plant species of concern in the Sections, Townships, and Ranges (S 25, T 27N, R 20W, and S 30, T 27N, R 19W) of the proposed subdivision. The following graph (Figure 6) designates the species of concern, potential species of concern, and their habitat:

Figure 7: Plant Species and Potential Species of Concern

Species of Concern	Habitat
Beck Water-marigold	Streambanks and moist meadows
Bristly Sedge	Marshes
Panic Grass	Wet soils near hot springs
Spiny-spore Quillwort	Mud in lakes and sloughs
Howell’s quillwort	Ponds lakes and sloughs
Straight beaked buttercup	Streambanks and moist meadows
Columbia Water-meal	Ponds and sloughs
Warnstorfia Moss	Lakes

Generally, these species occur in areas of high moisture, likely the reason this section, township, and range contains many plant species of concern that occur in wet areas is due to the proximity to Flathead Lake.

Typically, noxious weeds take root when soil is disturbed, especially during development. Some can grow from root parts, as well as seeds that become exposed. Pursuant to Section 4.7.25 FCSR the subdivision will be required to develop and implement a weed control plan approved by the Flathead County Weeds Department prior to final plat approval.

b. Wildlife/Wildlife Habitat

The Montana Natural Heritage report indicates twenty-two animal species concerns in the Sections, Townships, and Ranges (S 25, T 27N, R 20W, and S 30, T 27N, R 19W) of the proposed subdivision. The animals and their habitat are designated below:

Figure 8: Animal Species and Potential Species of Concern

Species of Concern	Habitat
Little Brown Myotis	Generalist
Long-legged Myotis	Conifer Forest
Fisher	Mixed Conifer Forest
Grizzly Bear	Conifer Forest

Brewer's Sparrow	Shrubsteppe
Great Blue-Heron	Riparian Forest
Brown Creeper	Moist Conifer Forest
Common Tern	Islands in large bodies of water
Evening Grosbeak	Conifer Forest
Lewis's Woodpecker	Open forest and woodland
Pileated Woodpecker	Moist Conifer Forests
Cassin's Finch	Drier Conifer Forest
Varied Thrush	Moist Conifer Forest
Pacific Wren	Moist Conifer Forest
Westslope Cutthroat Trout	Mountain Streams, Rivers, Lakes
Pygmy Whitefish	Deep Mountain Lakes and tributaries
Bull Trout	Mountain Lakes, rivers, streams
Suckley Cuckoo Bumble Bee	Montane

Nearly all of the listed species of concern could be considered to inhabit this area, aside from those that occur in alpine areas and species of fish, since the property contains no lakes, rivers, or streams.

Montana Fish, Wildlife, and Parks (FWP) submitted a comment that states, "The impact of any single subdivision or commercial development proposal is typically small. However, the effects of subdivisions over time or the cumulative effects of many developments, including future developments, can have significant impacts on wildlife use and movement. These cumulative effects should be considered in the design of the development, should it occur." The comments go on to discuss the impacts upon Big Game Winter range in the vicinity and the potential for human/wildlife conflicts. A condition of final plat approval would be requiring statements on the face of the final plat to inform future lot owners of the potential for human/wildlife conflicts that may arise.

Due to the proximity to an existing urbanized area, it is unlikely that a development of this density will significantly impact the above-listed species of concern.

Finding #3 – The proposed subdivision could be conditioned to have a minimal impact on vegetation, wildlife, and wildlife habitat because even though species of concern have been documented in the general area, the property is located near an existing urbanized area within the county, the subdivision will be conditioned to require a note on the face of the final plat regarding the potential for human/wildlife conflict, and the subdivision will be required to develop and implement a weed control plan approved by the Flathead County Weeds Department prior to final plat approval.

3. Impacts on Agriculture

a. Agriculture, Timber Production, and Water User Facilities

Much of the property contains soils designated to be prime farmland to some degree. While many of the soils appear to provide adequate farmland, the slopes on the property would exclude agricultural use in most cases. According to the EA, the applicant states, *“the property was thinned in 2021 to clear thick second/third growth forest and undergrowth and reduce fuel loading on the property... areas to the north and east have limited agricultural uses such as small-scale livestock operations but nothing at a large scale.”*

Given the statements by the applicant about second-growth forests, it can be implied that this property was likely in silvicultural use at some point in the past. Given the property’s proximity to an existing urbanized area of the county and the lack of recent silvicultural use, it is unlikely that timber production would be significantly impacted by utilizing the property for residential purposes.

There are no shared agricultural waterworks, canals, irrigation ditches, or pump houses on the property. The property is not located within an agricultural water district or area.

Finding #4 – There would be minimal impact on agriculture, timber production, and agricultural water user facilities as a result of the proposed subdivision because of the property’s proximity to an urbanized area of the county, the steep slopes which preclude most agricultural use, and the property is not in an irrigation district and is not a party to any agricultural irrigation agreements.

4. Public Health and Safety

a. Water and Wastewater Services

The subject property is located within the boundaries of the Bigfork Water and Sewer District. The applicant provided a will-serve letter from the District which states, *“Once Bigfork County Water and Sewer District has approved the plans and specifications for the water and sewer improvements for North Shore Woods Subdivision, connection to the water distribution and sewer collection system may be provided for up to 125 residential lots.”*

The Flathead City-County Environmental Health Department submitted a comment stating, *“This proposal is subject to review under Title 76-4 Part 1 Sanitation in Subdivisions, MCA. This review will address water supply, wastewater, storm water drainage, and solid waste.”*

Finding #5 – The subdivision will have minimal impact on water and wastewater because the subdivision will be served by the Bigfork County Water and Sewer District, a will-serve letter has been received from the water and sewer district and the proposal will be conditioned to comply with Sanitation in Subdivision review.

b. Storm Water Drainage

The proposal will contain constructed surfaces such as homes, driveways, and general landscaping that will create additional impervious surfaces that may impact stormwater drainage.

The Environmental Assessment states, “Roadside ditches with inlets, dry wells, manholes, and conveyance to a main infiltration pond is proposed. The pond size was based on the entirety of the closed basin that reaches the low point on the site. While it is not anticipated that this much runoff will reach the basin, the pond shown on the plans is designed to accommodate this using the SCS/TR-55 method for 100-year runoff.”

The applicant is proposing to create a stormwater system designed to prevent additional runoff created from development. While their measurements suggest that the retention basin would meet the requirements of Montana DEQ, the application would be conditioned to be reviewed and plans approved by the Department of Environmental Quality prior to final plat approval.

Finding #6 – Impacts from stormwater runoff would be acceptable because stormwater generated by impervious surfaces would be accommodated via a retention basin and the proposed stormwater management plan would require review and approval through the Montana Department of Environmental Quality.

c. Solid Waste Disposal

Pursuant to Section 4.7.22 FCSR, the applicant would be required to meet the requirements of the Flathead County Solid Waste District. The Solid Waste District did not submit comments for the subdivision, however, they did submit comments for the zone change which also pertain to this request. Comments submitted to the state, “The District requests all solid waste generated at the proposed location be hauled by a private hauler. Republic Services is the licensed (PSC) Public Service Commission private hauler in this area.”

Finding #7 – Impacts on solid waste disposal would be acceptable with standard conditions because the lots within the proposed subdivision would be conditioned to provide a contract hauler for solid waste per the Flathead County Solid Waste District.

d. Impact of Noise

During the development of the homes, roads, driveways, and installation of utilities, the impact from noise and vibration will increase. As development finishes, the bulk of the noise will taper and meet the typical noise level of suburban rural development. The proposed residential use, after a buildout, is not anticipated to generate noise impacting area residents or wildlife.

e. Dust/Air Quality

The applicant has submitted a “Dust Control Plan” compliant with Section 4.7.14 FCSR. A note should be required to be placed on the face of the final plat that requires the owners of all lots to abide by the guidelines set forth in the plan during and after site construction and development activities.

Primary access to the subdivision would be from Peaceful Drive via Highway 35. Peaceful Drive is a paved public road within an easement of 60 feet. Highway 35 is a paved state highway within an easement of varying widths.

Secondary access to the subdivision is provided by Bigfork Stage, a public gravel road within an easement of 60 feet. The Traffic Impact Study (TIS) submitted with

the application suggests paving Bigfork Stage from the southern terminus at Blenn Street until the point of ingress and egress of the subdivision along Bigfork Stage. The requirements and extent of paving will be discussed within the roads section of this report.

Finding #8 – Impacts from dust and impact on air quality are anticipated to be minimal with the imposition of conditions because a Dust Control Plan was provided to mitigate potential issues of dust during construction, and the primary access road is paved, Bigfork Stage and the internal subdivision road will require paving.

5. Public Improvements

a. Access

i. Roads

Primary access to the subject property is from Peaceful Drive via Highway 35. Highway 35 is a paved, three-lane, State-maintained highway within a right-of-way of varying widths and Peaceful Drive is a paved county road within a 60-foot right-of-way. Secondary access to the subdivision is provided by Bigfork Stage, a public gravel road within an easement of 60 feet.

The Traffic Impact Study (TIS) submitted by the applicant was designed for the full build-out of the subdivision of 125 lots. This TIS shows that this proposal could generate 1,239 Average Daily Traffic (ADT) from this proposal, at the full build out of 125 lots. The TIS also suggests that approximately 85% of this traffic will enter from Peaceful Drive via Highway 35, and the other 15% will enter from Bigfork Stage. This implies that an increase of 1,053 ADT would occur along Peaceful Drive and an increase of 186 ADT would occur along Bigfork Stage.

According to the most recent traffic counts done in 2021 by the Flathead County Road and Bridge Department, on Peaceful Drive, east of Montana Highway 35, account for 168 ADT, and along Bigfork Stage north of Blenn Street account for 189 ADT. At full build out, this proposal could increase traffic along Peaceful Drive by 626% and along Bigfork Stage by 102%.

The TIS recommended, with the current proposal of 125 lots, to pave the southern portion of Bigfork Stage to the entrance of the subdivision. Comments from the Flathead County Road and Bridge Department for the subdivision state, *“Certainly some concern with the intersection of Peaceful and Hwy 35. MDT is addressing as best they can it appears. Not much County Roads can do on an intersection of our road with MDT. All levels of service are good at the internal subdivision and our roads. The paving of [Bigfork] Stage is positive and appears the applicant is saying we will do that so that appears to not be an issue. Don’t know if the [County Commissioners] will have an issue with the LOS at Hwy 35 but I imagine it will come up for discussion as this progresses...”*

The Flathead County Subdivision Regulations Section 4.7.17(h) states *“Subdivisions which will contribute 400 or more average vehicle trips (ADT) per day to the County road system shall have a Traffic Impact Study (TIS) conforming to the requirements of section j below. The TIS shall be completed by a licensed professional engineer and submitted with the preliminary plat application. The*

subdivider shall be required to make transportation improvements recommended in the Traffic Impact Study to maintain the identified existing Level of Service (LOS) and which are directly attributable to the proposed subdivision.”

The Traffic Impact Study submitted by the applicant states, *“The site generated traffic operations during the peak AM hour at the intersection of MT Highway 35 and Peaceful Drive. However, additional delay during the peak PM hour will result in a drop of LOS from D to E on the peaceful Drive approach.”*

The TIS determines that given the additional traffic generated, the LOS cannot be maintained at the full build out of this proposal.

Because this request is only for 51 of the 125 lots, the impact on area roads would be less. 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 51 residential lots and would therefore add approximately 510 ADT to the road network. Given the TIS submitted by the applicant, it could be assumed that 434 ADT (85%) would be added along Peaceful Drive and 76 ADT (15%) would be added along Bigfork Stage. For this initial phase, this proposal could increase traffic along Peaceful Drive by 258.3% and along Bigfork Stage by 40.2%.

This may still impact the LOS at the intersection of Peaceful Drive and Highway 35.

The TIS recommends paving Bigfork Stage to the point of ingress and egress of the subdivision along Bigfork Stage at full buildout. Because this initial request is only for 51 lots of the proposed 125, it would be reasonable to request that the developer improve the proportional extent of Bigfork Stage for each proposal. This proposal accounts for 40.8% of the full build-out. From the beginning of Bigfork Stage after the bend of Blenn Street, there is 2922.6 feet of road until the point of ingress and egress to the subdivision. As such, if the proposal is approved, then 1,192 feet of Bigfork Stage Road shall be paved.

As of the date of this staff report, no comment has been received by MDT. Given the potential for impacting MDT services, it is likely that an updated approach permit will be required.

Finding #9 – The proposal could have a negative impact on Peaceful Drive because access to the subject property currently exists from Peaceful Drive via Highway 35, and the submitted Traffic Impact Study states that the existing LOS cannot be maintained given the proposed 125 new lots, the Flathead County Zoning Regulations require that all LOS must be maintained, and the Flathead County Road and Bridge Department is wary of the impact upon the LOS at the intersection.

Finding #10 – The proposal appears to mitigate concerns along Bigfork Stage because it would increase traffic along this section of Bigfork Stage by 40% and the applicant would be required to pave 1,192 feet of Bigfork Stage, and the applicant would be required to receive updated approach permits from the County Road and Bridge Department.

ii. Walkways/Bicycle Paths

The Flathead County Trails Plan designates Bigfork Stage, the secondary access road, as a proposed trail. A pedestrian easement will be required along the portions of the property abutting Bigfork Stage as part of this proposal.

Finding #11 – The proposal will be required to designate a bicycle and pedestrian easement because Bigfork Stage is designated as a county collector road appurtenant to the Flathead County Trails Plan.

6. Public Services

a. Fire Services

The subject property is located within the Bigfork Fire District and the nearest fire station is approximately 1.1 driving miles from the property. The Bigfork Fire Department would respond in the event of a fire or medical emergency and the Flathead County Sheriff's Office provides police services to the subject property. Highway 35 and Peaceful Drive appear adequate to provide ingress and egress for emergency vehicles which would help to ensure adequate public health and safety.

The subject property is located within the Wildland Urban Interface (WUI), and is located within a high Countywide Priority Area. A Fire Prevention, Control, and Fuels Reduction Plan was provided with the preliminary plat application, pursuant to Section 4.7.27(b) FCSR.

Before final plat approval, the applicant will be required to provide written correspondence from the local fire district verifying that the Fire Prevention, Control, and Fuels Reduction Plan has been approved and implemented. Statements regarding the WUI will be required on the face of the final plat.

b. Police Protection and Emergency/Medical 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. The combination of existing staff levels, shift rotations, the size of the County, the dispersed nature of the population, and the property's distance from the Flathead County Sheriff's Office in Kalispell may lead to delayed response times in the event of an emergency.

Finding #12 – Impacts on fire, emergency medical, and police services would be minimal with the imposition of conditions because the subject property would be served by the Flathead County Sheriff's Office and the Bigfork Fire District, the applicant will be required to implement an approved Fire Prevention, Control, and Fuels Reduction Plan prior to final plat approval, and statements regarding the WUI would be required on the face of the final plat.

c. Schools

According to the 2021, Census Data there are 50,808 housing units in Flathead County. The Flathead County Statistical Report of Schools 2021 states there are 17,331 students enrolled in public, private, and home schools. The total number of students (17,331) divided by the total number of households (50,808) equals

approximately 0.34 students per household. Therefore, with 51 lots, 17 students could be added to the Bigfork schools with the existing proposal.

No comment was received by this office from the school districts. The applicant submitted a comment that states, “Initial discussion with the Bigfork School District Superintendent Tom Tack were held and he stated that the Bigfork School District will be able to accommodate students in the proposed subdivision.” Different counts were submitted by the applicant regarding the potential number of students generated by this proposal. The applicant states, “The initial phase of 51 units will generate approximately 28 students varying in age.” It appears the numbers submitted by the applicant to the school district are greater than typical buildouts utilized by Flathead County Planning and Zoning. As such, is anticipated the number of students generated by this proposal could be served without introducing significant impacts to the school districts.

Finding #13 – Impacts on local schools would appear to be acceptable because the proposed subdivision would add 17 additional school-aged children and the applicant has had preliminary discussions with the school district that implies the school district could accommodate the additional children.

d. Parks and Recreational Facilities

The developer, through correspondence with staff, has stated, “Per our discussion earlier, the deviation requested as a part of the PUD pertaining to the subdivision regulations deviation was never intended to be a way to evade the development of parks but to give the project an option to develop parkland. As you are well aware, the existing grades of the site are predominantly out of compliance with this regulation. As a part of the design and development of the site, we intend to comply with the parkland requirement as described in the Flathead County subdivision regulations where possible by means of grading and incorporation of grades into park features. The development will keep the park/open space parcels as shown on the preliminary plat and will make efforts to bring these areas into compliance with these regulations to the greatest extent possible. Areas deemed not possible to bring into compliance during design will be supplemented by means of cash in lieu per the regulations to compensate for the deficit of useable parkland.”

FCSR states that *“Land dedicated for public parks or recreational purposes shall be useable land.”* The subdivision regulations allow for an alternative method of ensuring adequate parkland throughout the county by providing an alternative to the parkland dedication requirements by way of Section 4.7.24(f). It is in the public’s best interest to create usable parkland when designing a subdivision, or to provide cash-in-lieu, to allow for adequate areas of recreation in proximity to urban areas.”

Currently, Section 4.7.24 FCSR (h) (i.) and (ii.) states, *“Land dedicated for public parks or recreational purposes shall be useable land, shall be of appropriate shape and size and shall have convenient access by public roads meeting all appropriate County standards and specifications. Proposed public parkland with any of the following limitations may not be considered appropriate for park purposes: Where more than five percent of the site has an average cross slope greater than 25*

percent; Where more than 50 percent of site has an averages cross slope greater than two to six percent;" all areas currently designated by the applicant as parkland are considered unusable by the Subdivision Regulations. The applicant has stated they intend to grade areas of the designated open space, so as to create usable parkland pursuant to the standards laid out in FCSR. Cash-in-lieu shall be required for any parkland acreage that does not meet FCSR standards for usable parkland.

Section 4.7.24 FCSR (e)(i.), (ii.), and (iii.) states, "*Parkland cash or land donation dedication requirements shall be based on the following formula: 11% of the combined gross area of the land proposed to be subdivided into parcels of 1/2 acre and smaller; 7.5% of the combined gross area of the land proposed to be subdivided into parcels larger than 1/2 acre and not larger than one acre; 5% of the combined gross area of the land proposed to be subdivided into parcels larger than one acre and not larger than three acres;*"

Pursuant to Section 4.7.24, there are 11.43 acres in lots less than ½ acre, 10.74 acres in lots between ½ acres and 1 acre, and 3.58 acres between 1 acre and 3 acres.

$(11.43 \text{ acres} * 11\% + 10.74 \text{ acres} * 7.5\% + 3.58 \text{ acres} * 5\% = 2.24 \text{ acres})$

Either 2.24 acres of parkland dedication, or the equivalent value of the parkland dedication as cash-in-lieu would be a requirement of final plat approval.

Finding #14 – Impacts on parks and recreational facilities would appear to be acceptable because the applicant will be required to either grade the existing proposed areas of parkland to create usable parkland space or pay cash-in-lieu for 2.24 acres of parkland.

e. Mailbox Facilities

The location of the mailbox 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.

Finding #15 – Impacts on mail delivery would appear to be acceptable because the final plat will be conditioned to meet the requirements of the local postmaster prior to final plat approval.

7. Hazards

a. High Voltage Electric Lines/High-Pressure Gas Lines

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

b. Airport Influence Areas

The subject property is not located within any Airport Influence Areas.

Finding #16 – 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.

8. Historical Features

The Environmental Assessment indicates there are no known historical, archeological, or cultural sites on the subject property and the State Historical Preservation Office (SHPO) has no record of any historical or culturally significant use on the property.

Finding #17 – 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 #18 – 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

There are no variances requested with this proposal.

2. Flathead County Subdivision Review Procedure

i. Pre-application Conference Date

April 27, 2022

ii. Application Deadline Date (6 months from pre-application)

October 27, 2022

iii. Application Submittal Date

September 26, 2022

iv. Completeness Date

December 20, 2022

v. Sufficiency Date

April 6, 2023

vi. Agency Referral Requests Mailing Date

May 4, 2023

vii. Adjacent Property Notification Mailing Date

June 21, 2023

viii. Legal Notice Publication Date

June 25, 2023

ix. On-site Posting of Public Hearing Date

June 26, 2023

Finding #19 – 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 July 1, 2022.

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

Finding #20 – The preliminary plat identifies adequate easements for utilities to serve the subdivision. All other easements associated with this subdivision and the subdivided property shall be clearly located on the Final Plat to satisfy applicable requirements of the Montana Subdivision and Platting Act and the Flathead County Subdivision Regulations.

E. Provision of Legal and Physical Access to Each Parcel

Finding #21 – Primary access to the subject property is from Peaceful Drive via Highway 35. Highway 35 is a paved, three-lane, State-maintained highway within a right-of-way of varying widths and Peaceful Drive is a paved county road within a 60-foot right-of-way. Secondary access to the subdivision is provided by Bigfork Stage, a public gravel road within an easement of 60 feet. The internal subdivision road would provide direct access to each individual lot. These roads will provide legal and physical access to the subdivision.

.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 the primary criteria by which an individual subdivision proposal must undergo local government review or on which findings of fact are to be based. A review of general conformance with applicable plans is provided as an acknowledgment and consideration of the guidance offered by the information contained in the document(s).

1. Neighborhood Plan

The property is located within the Bigfork Neighborhood Plan, adopted on June 2, 2009, by the Flathead County Commissioners (Resolution #2208).

Because the property is located in Bigfork Neighborhood Plan which was adopted as an addendum to the Growth Policy, land use decisions in the Bigfork Neighborhood Plan area should be guided by the neighborhood plan. The Executive Summary of the Growth Policy states, *“Land use decisions guided by a neighborhood plan should reflect a community’s vision of how they intend to grow in the future. In the absence of a neighborhood plan, land use decisions are guided by the growth policy and existing regulatory documents, as applicable.”* Part 3 of the Preface of the Growth Policy states, *“Neighborhood plans are an important tool for local planning at a level of detail that does not appear in the county-wide growth policy.”*

The neighborhood plan has a future land use map and additional details specific to the Bigfork area that are not found in the Growth Policy as such, land use decisions should be based on the review of the neighborhood plan.

The Bigfork Neighborhood Map (Neighborhood Plan) serves as a localized planning tool for the Bigfork area. The Neighborhood Plan was incorporated into the Growth Policy to provide more specific guidance on future development and land use decisions within the plan area at the local level. According to the Neighborhood Plan, *“The goals, policies, and text included herein should be considered as a detailed description of desired land use in the Bigfork Neighborhood Plan Area (BNPA). The Plan should also be used as guidance in adopting zoning ordinances and resolutions that would regulate land use in the BNPA.”*

The property is located within the Future Land Use Map of the BNP area designated as ‘*Suburban Residential*’.

2. Flathead County Growth Policy

The Flathead County Growth Policy is a general policy document that meets the requirements of M.C.A. 76-1-601 and was adopted 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 (M.C.A.76-1-606). This proposal conforms to the regulations used in the review of subdivisions in Flathead County and is therefore in general compliance with the Flathead County Growth Policy.

F. Compliance with Local Zoning

The proposed subdivision is within the Bigfork Zoning District and is designated as RC-1 and R-1. The applicant has submitted a zone change request to R-2 as well as a preliminary PUD request. Under the existing zoning, this proposal would comply, as RC-1 allows for single-dwelling lots as small as 4,500 square feet, and minimum lot widths of 50 feet, with an overall density of one lot per acre. If the zone change request to R-2 and the Preliminary PUD request are approved the subdivision request would also comply.

Finding #22 – The preliminary plat is under review concurrently with a proposal to establish a residential R-2 PUD, which would overlay the proposed R-2 and if the preliminary PUD and zoning are approved, the preliminary plat would comply with the applicable zoning because the subdivision and its lots would meet the density, requirements of the Northshore Woods R-2 PUD, and the existing layout currently complies with the existing RC-1 zoning.

V. SUMMARY OF FINDINGS

1. There would not appear to be any impacts to surface waters because there are no wetlands on the subject property, and there are no streams or areas designated as floodplain, as evidenced on FEMA FIRM Panel 30029C2305J.
2. Impacts from the steep slopes contained on the subject property may be able to be mitigated because the subdivision would be conditioned to undergo a geotechnical soils analysis conducted by a licensed professional engineer to demonstrate that: the lots are buildable, and the grading plan would not create hazards for future structures. [Conditions #25]
3. The proposed subdivision could be conditioned to have a minimal impact on vegetation, wildlife, and wildlife habitat because even though species of concern have been documented in the general area, the property is located near an existing urbanized area within the county, the subdivision will be conditioned to require a note on the face of the final plat regarding the potential for human/wildlife conflict, and the subdivision will be required to develop and implement a weed control plan approved by the Flathead County Weeds Department prior to final plat approval. [Conditions # 3 & 26]
4. There would be minimal impact on agriculture, timber production, and agricultural water user facilities as a result of the proposed subdivision because of the property's proximity to an urbanized area of the county, the steep slopes which preclude most agricultural use, and the property is not in an irrigation district and is not a party to any agricultural irrigation agreements.
5. The subdivision will have minimal impact on water and wastewater because the subdivision will be served by the Bigfork County Water and Sewer District, a will-serve

letter has been received from the water and sewer district and the proposal will be conditioned to comply with Sanitation in Subdivision review. [Conditions # 7 & 24]

6. Impacts from stormwater runoff would be acceptable because stormwater generated by impervious surfaces would be accommodated via a retention basin and the proposed stormwater management plan would require review and approval through the Montana Department of Environmental Quality. [Conditions #7]
7. Impacts on solid waste disposal would be acceptable with standard conditions because the lots within the proposed subdivision would be conditioned to provide a contract hauler for solid waste per the Flathead County Solid Waste District. [Conditions # 9]
8. Impacts from dust and impact on air quality are anticipated to be minimal with the imposition of conditions because a Dust Control Plan was provided to mitigate potential issues of dust during construction, and the primary access road is paved, Bigfork Stage and the internal subdivision road will require paving. [Conditions # 10]
9. The proposal could have a negative impact on Peaceful Drive because access to the subject property currently exists from Peaceful Drive via Highway 35, and the submitted Traffic Impact Study states that the existing LOS cannot be maintained given the proposed 125 new lots, the Flathead County Zoning Regulations require that all LOS must be maintained, and the Flathead County Road and Bridge Department is wary of the impact upon the LOS at the intersection. [Conditions # 4, 12, 19, 21]
10. The proposal appears to mitigate concerns along Bigfork Stage because it would increase traffic along this section of Bigfork Stage by 40% and the applicant would be required to pave 1,192 feet of Bigfork Stage, and the applicant would be required to receive updated approach permits from the County Road and Bridge Department. [Conditions # 4, 12, 20]
11. The proposal will be required to designate a bicycle and pedestrian easement because Bigfork Stage is designated as a county collector road appurtenant to the Flathead County Trails Plan. [Conditions # 22]
12. Impacts on fire, emergency medical, and police services would be minimal with the imposition of conditions because the subject property would be served by the Flathead County Sheriff's Office and the Bigfork Fire District, the applicant will be required to implement an approved Fire Prevention, Control, and Fuels Reduction Plan prior to final plat approval, and statements regarding the WUI would be required on the face of the final plat. [Conditions # 1, 4, 12]
13. Impacts on local schools would appear to be acceptable because the proposed subdivision would add 17 additional school-aged children and the applicant has had preliminary discussions with the school district that implies the school district could accommodate the additional children.
14. Impacts on parks and recreational facilities would appear to be acceptable because the applicant will be required to either grade the existing proposed areas of parkland to create usable parkland space or pay cash-in-lieu for 2.24 acres of parkland. [Conditions # 23]
15. Impacts on mail delivery would appear to be acceptable because the final plat will be conditioned to meet the requirements of the local postmaster prior to final plat approval. [Conditions # 8]

16. 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.
17. The proposed subdivision would not adversely impact historical features because there are no known historical, archeological, or cultural sites on the subject property.
18. 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. [Conditions # 14]
19. 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 July 1, 2022.
20. The preliminary plat identifies adequate easements for utilities to serve the subdivision. All other easements associated with this subdivision and the subdivided property shall be clearly located on the Final Plat to satisfy applicable requirements of the Montana Subdivision and Platting Act and the Flathead County Subdivision Regulations. [Condition #16]
21. Primary access to the subject property is from Peaceful Drive via Highway 35. Highway 35 is a paved, three-lane, State-maintained highway within a right-of-way of varying widths and Peaceful Drive is a paved county road within a 60-foot right-of-way. Secondary access to the subdivision is provided by Bigfork Stage, a public gravel road within an easement of 60 feet. The internal subdivision road would provide direct access to each individual lot. These roads will provide legal and physical access to the subdivision. [Conditions # 1, 4, 11, 19-21]
22. The preliminary plat is under review concurrently with a proposal to establish a residential R-2 PUD, which would overlay the proposed R-2 and if the preliminary PUD and zoning are approved, the preliminary plat would comply with the applicable zoning because the subdivision and its lots would meet the density, requirements of the Northshore Woods R-2 PUD, and the existing layout currently complies with the existing RC-1 zoning.

VI. CONCLUSION

In accordance with the provisions of Section 4.4 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 and design standards found in Section 4.7 FCSR, pursuant to draft Findings of Fact prepared herein, or identified impacts can be mitigated with conditions of approval. Should the Flathead County Board of Commissioners choose to grant preliminary plat approval for 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 #1626C. All road names shall appear on the final plat. Street addressing shall be assigned by Flathead County. [Section 4.7.16(g)(iv), 4.7.26(c) Flathead County Subdivision Regulations (FCSR)]
2. The developer shall comply with reasonable fire suppression and access requirements of the Bigfork Fire District (or Department). A letter from the fire chief stating the plat meets the applicable requirements of the district shall be submitted with the application for final plat. [Section 4.7.26(b), FCSR & FOF #12]
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 & FOF #3]
4. Design and construction of all internal subdivision roads shall be certified by a licensed engineer and constructed and paved as proposed in accordance with the Flathead County Minimum Standards for Design and Construction, as applicable. [Sections 4.7.16, 4.7.17 FCSR & FOF #9, 10, 12]
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 & FOF #10]
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 & FOF #20]
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 the Montana Department of Environmental Quality. [Sections 4.7.20, 4.7.21 FCSR & FOF #6]
8. The mail delivery site shall be provided with the design and location approved by the local postmaster of USPS. A letter from the postmaster stating that the developer has met their requirements shall be included with the application for final plat. The location of the mailboxes will need to be approved by the Flathead County Road and Bridge Department if they are installed prior to final plat approval. [Section 4.7.28, FCSR & FOF #15]
9. In order to assure the provisions for the collection and disposal of solid waste, the developer shall submit a letter from the applicable solid waste contract hauler stating the hauler is able to provide service to the proposed subdivision. [Section 4.7.22, FCSR & FOF #7]
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 & FOF #8]

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 & FOF #12, 21]
12. The following statements shall be placed on the face of the final plat applicable to all lots:
 - 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 & FOF #9 & 10]
 - All utilities shall be placed underground. [Section 4.7.23 FCSR & FOF #20]
 - 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 & FOF #8]
 - Solid Waste removal for all lots shall be provided by a contracted solid waste hauler. [Section 4.7.22 FCSR & FOF #7]
 - Lot owners are bound by the Weed Control Plan to which the developer and the Flathead County Weed Department agreed. [4.7.25 FCSR & FOF #3]
 - This subdivision is located in the Wildland Urban Interface area where wildfires can and do occur. [Section 4.7.27 FCSR & FOF #12]
 - Only Class A and Class B fire-rated roofing materials are allowed. [Section 4.7.27 FCSR & FOF #12]
 - Firewise defensible space standards shall be incorporated around all primary structures and improvements. [Section 4.7.27 FCSR & FOF #12]
13. Before final plat approval, the applicant shall provide written documentation from the local fire protection authority verifying that the approved Fire Prevention, Control, and Fuels Reduction Plan has been implemented. [Section 4.7.27(b)(iii) FCSR & FOF #12]
14. The final plat shall comply with state surveying requirements. [Section 76-3-608(b)(i), M.C.A. & FOF #18]
15. 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.) & FOF #6]
16. All required improvements shall be completed in place or a Subdivision Improvement Agreement shall be provided by the subdivider prior to final approval by the County Commissioners. [Section 4.0.16, FCSR & FOF#20]

17. 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]
18. 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 the associated timeline(s). [Section 4.1.11 FCSR]

B. Project-Specific Conditions

19. Prior to final plat approval, the applicant shall provide an updated approach permit from the Flathead County Road and Bridge Department for the approach onto Peaceful Drive and Bigfork Stage. [Section 4.7.16 FCSR & FOF #9, 21]
20. Prior to final plat approval, the applicant shall pave 1,192 feet of Bigfork Stage between the end of the paving on the south end of Bigfork Stage and the point of ingress/egress of the internal subdivision road along Bigfork Stage, which shall be certified by a licensed engineer and constructed and paved in accordance with the Flathead County Minimum Standards for Design and Construction. [Sections 4.7.17 FCSR & FOF 10, 21]
21. Prior to final plat approval, the applicant shall provide approach permits from the Montana Department of Transportation for the approach onto Peaceful Drive. [Section 4.7.16 FCSR & FOF 9, 21]
22. A 15-foot-wide bike/pedestrian easement shall be designated on the eastern property boundary that borders Bigfork Stage. [Section 4.7.19 FCSR & FOF 11]
23. Either 2.24 acres of parkland must be graded in order to comply with the usable parkland standards of FCSR or cash-in-lieu of parkland dedication for the fair market value of 2.24 gross acres (minimum) of land and an appraisal from a Certified General Appraiser (CGA) dated no more than 6 months prior to the final plat submittal shall be submitted to the County at the time of final plat application. Any combination of parkland and cash-in-lieu adding up to 2.24 acres may be acceptable. [Section 4.7.24 FCSR & FOF 14]
24. The proposed extensions and connections of the public water and sewer systems shall comply with the standards and requirements of the Bigfork Water and Sewer District. A letter from the District stating that the water and sewer improvements meet the District requirements shall be submitted with the application for final plat [Section 4.7.20, 4.7.21 FCSR & FOF#5]
25. Prior to final plat approval, the developer shall provide evidence that any building pad on slopes between 25 and 40 percent in cross slope, specifically lots 13-16, 20-26, 29, 31-39, and 41 shall be required to undergo a geo-technical soils analysis conducted by a licensed professional engineer prior to final plat approval. The soils analysis must demonstrate that development of this lot would pose no significant geological hazards to either this lot or neighboring properties. [FOF#2]
26. The following statements shall be placed on the face of the final plat applicable to all lots:

- The subdivision occurs in an area prone to human-wildlife interaction and precautions should be taken to reduce conflict. [FOF#3]
27. Areas designated on the preliminary plat as Park A-E shall be dedicated as open space/parkland and maintained by the Homeowner's Association in accordance with the provisions of Section 4.7.24(d)(ii) FCSR. [Section 4.7.24(d)(ii)] [FOF#14]
 28. Covenants, Conditions and Restrictions (CC&Rs) shall be recorded at the time of final plat describing the intended use, management, and ownership of the open space. [Section 4.05.010(7), FCZR]
 29. Road identification signs and traffic control devices such as stop signs and yield signs, shall be installed at each intersection in conformance with the requirements of the Flathead County Subdivision Regulations.