



Lincoln County Planning Department

512 California Ave | Libby, MT. 59923 | Lisa: (406) 293-6295 | Deb: (406) 283-2464 | Fax: (406) 293-2515

Website: <http://www.lincolncountymt.us/planning>

SUBDIVISION STAFF REPORT | COMMISSIONER REVIEW | 05-13-2015

Subdivision Name: Flat Iron	35-Working Day Expires: May 29, 2015
General Location: Troy / Iron Creek	Submitted: March 12, 2015
Developer: Barton Stapley PO Box 701 Troy, MT. 59935	Surveyor: E.I.D., LLC PO Box 896 Troy, MT. 59935
Legal Description: SW ¼, Section 18, Township 31 North, Range 34 West, PMM	
Parent Parcel: Remainder of PM #6533	

Number of Lots & Land Use: 5 Residential Lots	Total Acreage: 16.67 Acres
Parkland Acreage [Per MCA 76-3-621(1)]: Not Applicable	Minimum Lot Size: 1.18 Acres
	Maximum Lot Size: 7.79 Acres

PROJECT DESCRIPTION:

The proposed Flat Iron Ranch Subdivision is an approximate 17 acre; creating 5 Residential Lot subdivision located Iron Creek in Troy, MT. Lots 1-4 are proposing to annex city sewer and water while Lot 5, which has an existing structure with well and septic and will remain separate and within the County boundaries.

Access to this subdivision will start from a County maintained road, known as Iron Creek Rd; Lots 1-4 will continue access onto a proposed 40' access frontage road to be names Flat Iron Trail; Lot 5 has an existing driveway off Iron Creek Rd.

Lots 1-4 will petition to be annexed into the City of Troy and be served by the existing 8" water & sewer main. Lot 5 has existing facilities and not be annexed into the city limits. A letter from the Mayor of Troy indicating the addition of 4 lots would be of no additional concern is included with this review.

SUBMITTED BY	LISA OEDEWALDT, COUNTY PLANNER
DATE	MAY 07, 2015



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FINDINGS OF FACT [BASED ON REVIEW CRITERIA SET FORTH IN MCA 76-3-608(3)(A)]:

1. IMPACTS ON AGRICULTURE:

According to the Natural Resource Conservation Service (NRCS) of the USDA, the predominant soil classification of the proposed subdivision is Andic Dystric Eutrochrepts, glacial outwash terraces which is not considered farmland of statewide importance.

The property was logged and thinned and cleared of any ground or ladder fuels and the Tax Assessor's classification of the subject property is farmstead rural land and do not appear to be a significant impact to agriculture.

2. IMPACT ON AGRICULTURAL WATER USER FACILITIES:

There does not appear to be an impact on agricultural water user facilities.

3. IMPACTS ON LOCAL SERVICES:

ROADS – Access to this subdivision will start from a County maintained road, known as Iron Creek Rd; Lots 1-4 will continue access onto a proposed 40' access frontage road to be named Flat Iron Trail; Lot 5 has an existing driveway off Iron Creek Rd. Due to the area beyond the end of the proposed road being sloped greater than 30%, there is no possibility of future road extension and therefore a 40' easement is acceptable per Lincoln County Subdivision regulations. The proposed road will need to have the name approved prior to final plat.

UTILITIES – Electrical services are currently supplied by Troy Power & Light from existing overhead lines, and new service will be via underground buried lines. Communication will be provided by Frontier Communications using existing service lines currently buried in the county right-of-way.

EMERGENCY SERVICES – Fire and Ambulance protection are available via the Troy Volunteer Fire Department approximately 7 miles. Troy Volunteer Fire Department was contacted for comment on the subdivision, but none were received. The DNRC Libby Unit and the USFS are responsible for wildland fire protection in this area.

Police protection will be provided by the Lincoln County Sheriff's Department and local deputies residing in the general area whom are available for response. Emergency (Hospital) services are nearly equidistant to Libby or Kalispell, approximately 20 away.

WATER SUPPLY - Lots 1-4 will petition to be annexed into the City of Troy and be served by the existing 8" water & sewer main. Lot 5 has existing facilities and not be annexed into the city limits. A letter from the Mayor of Troy indicating the addition of 4 lots would be of no additional concern is included with this review.

SEWER SYSTEM: Lots 1-4 will petition to be annexed into the City of Troy and be served by the existing 8" water & sewer main. Lot 5 has existing facilities and not be annexed into the city limits. A letter from the Mayor of Troy indicating the addition of 4 lots would be of no additional concern is included with this review.



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The City of Troy has a water right, Statement of Claim 76D 100479-00, with a place of use that includes W ½ Sec. 18, T31N, R34W. This place of use was recorded in error when the right went to decree. There is a note in the file that states the place of use will be corrected to W ½ Sec. 18, T31N, R33W during the next phase of decree. The proposed subdivision is located within the intended place of use of Troy's water right

All final review and approval of the proposed water and wastewater treatment system will be through the Lincoln County Health Department and the Montana State Department of Environmental Quality.

SOLID WASTE DISPOSAL FACILITIES – Refuse shall be “Owner Haul” or “Contract Hauler” to be deposited in the Lincoln County Landfill in Troy located approximately 10 miles of the proposed development. It will be the responsibility of the individual lot owner to insure solid waste is transported to an appropriate facility.

PUBLIC SCHOOL FACILITIES** - This proposed subdivision is in the Troy School District. No comments were received by the school district confirming this observation. Children wishing to attend public school would be required to either ride the bus or provide for personal transportation to Troy

4. IMPACTS ON THE NATURAL ENVIRONMENT:

Mitigation measures are applied by Lincoln County in order to reduce the effect of the subdivision on the natural environment including, but not limited to, the application of wildfire protection standards; noxious weed management per state law requirements, floodplain management via local regulations, when applicable; state and local sewage disposal requirements, and other state and local regulations that govern development with respect to identified environmentally sensitive areas. There does not seem to be additional impact to the Natural Environment

5. IMPACTS ON WILDLIFE AND WILDLIFE HABITAT:

Nearly 80% of Lincoln County's land area is managed for wildlife habitat. There does not seem to be a critical impact to the wildlife habitat. FWP disagrees with that statement and addresses their concerns below:

“The area is known to host whitetail deer, moose, elk, grizzly bear, black bear, and occasionally mule deer use this area. As subdivisions are located at the edge of the City of Troy and wildlife activity is very low, MT FWP has observed many different animals that use this area on a regular basis, so there is concern that no mitigation is planned by the developer per the application to minimize conflict.

In addition, the proposed area is close to prime winter range for moose (mid-elevation and densely forested stands, interspersed with open feeding areas). Because of this, the applicants should expect to regularly see deer and even some elk and moose in the vicinity and prepare for this likelihood by considering such things as fencing to exclude wildlife from gardens, fruit trees, and ornamental shrubs, and how to exclude wildlife from garbage. Having said that, this



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application fails to mention any ways in which solid waste will be contained until pick-up is possible.

The application suggests that, because it is close to Troy, there is little use by wildlife. However, the applicants should recognize that, by increasing housing, they are increasing the potential for attracting wildlife to the properties from surrounding areas with attractants like garbage, ornamental shrubs, birdseed, and the like. As mentioned, the application fails to describe how garbage will be contained prior to hauling. FWP suggests that household waste and garbage be stored in a certified bear-resistant container or in an enclosure with secure walls, roof, and door (p. C-58, FWR). If this is not possible, electrified fencing should be considered (see also <http://fwpiis.mt.gov/content/getItem.aspx?id=48893>). This electric-fencing brochure relates to bear attractants, which is useful for this area because a collared grizzly bear used the Freeman Ridge area bordering this subdivision in 2011-2012, and because this area is also used regularly by black bears. However, it is also important to remember that any attractant that is either removed or stored in a bear-resistant manner will also mitigate conflicts with other wildlife including mountain lions, elk, deer, and even skunks. Properly storing attractants will decrease wildlife attractants, which could otherwise create conflicts with neighboring landowners.”

6. IMPACTS ON PUBLIC HEALTH AND SAFETY:

The project is not within an Air Quality Zone nor is it within an Airport Influence Area. There is the potential for increased dust and noise as a result of new residential development in an undeveloped area, but nothing that appears to be a critical impact to Public Health and Safety

7. GROWTH POLICY:

Lincoln County has limited area for private land to develop and with its abundance of natural resources; land utilization should realize the best and most efficient use of existing areas. The Lincoln County Growth Policy discusses encouraging development to locate near existing facilities while maintaining rural residential character. This project does comply with the provisions of the Growth Policy.



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PLANNING DEPARTMENT RECOMMENDATIONS

The Lincoln County Planning Department has reviewed this proposed land subdivision under the criteria established in the Montana Subdivision and Platting Act, the Montana Code Annotated, Lincoln County Subdivision Regulations, and the Lincoln County Growth Policy.

Based on the information provided, the proposed subdivision would not have any potentially significant adverse impacts. The conditions recommended below offer assurance that the proposed subdivision will be in compliance with residential developmental requirements in Lincoln County, and ensure the criteria of reducing impacts to public health and safety are met.

The Lincoln County Planning Department recommends approval of **Flat Iron** Subdivision with the following conditions for approval:

ACCESS/ROADS:

1. A road sign, with an **approved** Lincoln County Road Name by the GIS Department, shall be placed at the intersection of said road and Iron Creek Rd;
2. The Access Road (which will need to be named) that comes off Iron Creek Road shall be installed to meet current Lincoln County Subdivision Regulations Design Standards for Driveway, and roads access 2-5 lots.
3. The Surveyor must certify on the final plat that the access requirements have been met. The legal and physical access requirements are provided for in Lincoln County Subdivision Regulations III-A-4(j)(i)(B);

FIRE PROTECTION & NOXIOUS WEEDS:

4. There is reported Spotted Knapweed, Hounds-tough, Hawkseed, St Johnswort, and Oxeye Daisy scattered throughout the property. All Roads, skid trails, and openings need to be treated and re-seeded with approved material. Said mitigation needs to be approved by the County Weed Department prior to final approval.

MISCELLANEOUS/FACE OF PLAT:

5. Proof of completed annexation (agenda, minutes, resolution, etc...) into the City Limits of Troy for Lots 1-4 shall be submitted with final plat approval;
6. All road approaches and driveways need to be indicated on the face of the final plat to verify physical and legal access to the lot as well as aid in E911 Addressing of the lots in the subdivision per Resolution #804;
7. The face of the final subdivision plat submission must conform to Lincoln County Subdivision Regulations, the Montana Subdivision & Platting Act, and Montana ARM 24.183.1107 Uniform Standards for Final Subdivision Plats;



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COVENANTS / ROAD MAINTENANCE:

8. Covenants need to be amended to reflect the following changes:
 - a. Section IV (1): “Land Use” needs to be changed to the following wording “Single Family Residential”;
 - b. Section IV (6) needs to be stricken;
 - c. Section V (1) needs to be amended to read a 14’ surface, and add 8” compacted pit run;
 - d. Section V (2) needs to be stricken;
 - e. The approved Weed Management Plan shall be filed as a part of the covenants;
 - f. A Road Maintenance Agreement shall be filed as a part of the covenants;
 - g. Add the following language under section V(7):
 - (a) *FWP has created a helpful document called Fish and Wildlife Recommendations for Subdivision Development in Montana (FWR) that can be accessed at <http://fwp.mt.gov/fishAndWildlife/livingWithWildlife/buildingWithWildlife/subdivisionRecommendations/>*