



# Lincoln County Planning Department

512 California Ave. | Libby, MT. 59923

Deb Blystone; Planning Manager | P: (406) 283.2464 | F: (406) 293-8577

Lisa Oedewaldt; Planner | P: (406) 293-6295 | F: (406) 293-2515 | C: (406) 334-0050

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



## SUBDIVISION REPORT | PUBLIC HEARING: 12/02/2015

**Subdivision Name:** White Pine **60-Working Day Expires:** 12-14-15  
**General Location:** Libby – Parmenter Creek **Submitted:** 9-16-2015

**Developer(s):** \*Multiple Owners (See Below) **Surveyor:** KSI  
\*Multiple Addresses (See Application) 314 California Ave  
Libby, MT. 59923 Libby, MT. 59923  
**Land Owners:** Dave Kneller, Phillip & Barbara Soucy, and Scott & Patricia Lennard

**Legal Description:** S ½, NE ¼, NE ¼, SE ¼, S08, T30N, R31W

**Number of Lots & Land Use:** 6 Residential Lots **Total Acreage:** 121.13 Acres  
**Parkland Acreage:** N/A (Lots over 5 acres) **Minimum Lot Size:** 8.46 Acres  
**Maximum Lot Size:** 40.32 Acres

### PROJECT DESCRIPTION:

The proposed single-family residence subdivision is southwest of Libby, MT adjacent to Panoramic Views Subdivision. The developers intend to create 6 lots from the 121+ acre parcel(s).

The subdivision is accessed via the existing 66’ wide access and utilities easement, “Parmenter Creek Road” and also via the 60’ wide access and utilities easement known as “Panoramic View Drive.” Parmenter Creek Road is a 24’ wide paved surface while Panoramic View Drive is a 24’ wide graveled surface.

In addition to the above roads, Lots 1, 3 and 5 show an existing unnamed easement, traversing the lots. If this is to be used as access; it will need to be upgraded to county standards. There is also a private road, indicated as Parmenter Creek Trailhead, through Lot 1 providing access to this lot as well as extending to the west and providing access to another structure owned by Ralph Heinert.

Currently, this property is being utilized as recreational/ timber land. White Pine Subdivision will create 6 residential lots – each lot with one residence proposed. A restriction shall be applied to the protective covenants as to limit further division of the proposed lots.

There are several options for water sources for fire suppression; Parmenter Creek is +/- 2 miles; The Kootenai River is +/- 4 miles; and there are other drafting sources within the Cabinet Mountains that are +/-5 miles away, which could be used for dipping upon permission from the USFS.

The traditional use of this property has been for timber harvesting. Chain of title demonstrates a long history of ownership by timber companies until the sale of this property to the current owners. In 1984, an access and trail easement was granted to the United States by (then owner) St. Regis Corporation for Parmenter Creek Trail #140. This Document (B105 P556) is included in this submittal.

**RECOMMENDATION:** Grant preliminary approval to Whitetail Hills subdivision, subject to conditions and based on the findings in the staff report.

**REVIEWED & PREPARED BY:** LISA OEDEWALDT, COUNTY PLANNER

**DATE:** OCTOBER 27, 2015

## **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), the predominant soil type of the proposed subdivision is classified as mostly Andic Dystrichrepts, consisting of glaciated mountain slopes with the nw part of the property being Andic Dystric Eutrochrepts, consisting of lacustrine terraces-Andic Dystrichrepts, glacial outwash terraces and neither are considered prime farmland or farmland of statewide importance.

The Tax Assessor's classification of the subject property is agricultural rural land, with the adjacent lands being of similar classification.

**CONCLUSION:** There does not appear to be a significant impact to agriculture.

### **2. IMPACT ON AGRICULTURAL WATER USER FACILITIES:**

The property is not in the any Agricultural Water District and does not appear to have access to surface water for agricultural water use.

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

### **3. IMPACTS ON LOCAL SERVICES:**

**ROADS** – Access to the lots within White Pine Subdivision shall be via the existing 66' wide access and utilities easement, "Parmenter Creek Road" and also via the 60' wide access and utilities easement known as "Panoramic View Drive." Parmenter Creek Road is a 24' wide paved surface while Panoramic View Drive is a 24' wide graveled surface. Each of these roads listed above, where in place prior to this proposal and each road meets the current specifications for roads/access within Lincoln County.

In addition to the above roads, Lots 1, 3 and 5 show an existing unknown easement traversing through the lots. If this is to be used as access; it will need to be upgraded to County standards.

This development could generate a potential 24 trips per day of automobile traffic on adjacent roadways using a two trip per day calculation per residence. White Pine is +/-2 miles SW from Libby, MT. This close vicinity to town may add some additional trips based on convenience

**UTILITIES** – Flathead Electric and Frontier Communications shall provide service. Lot 1 has current utilities already in place. The rest of the lots will have new service. The developers will be required to extend the lines into the subdivision to abut each lot.

In talking with Flathead Electric, the underground junction shown on the plat as Extent of Existing Utility Line, may require a USFS permit before an extension from that point into the subdivision can be made.

**EMERGENCY SERVICES** – The nearest basic emergency services for the land proposed for subdivision are based in Libby less than 3 miles away.

Structural fire protection is limited to suppression efforts of the USFS and MT DNRC as the proposed subdivision is not within Lincoln County Rural Fire District. Currently the Fire Co-Op s working on a response plan for the areas outside fire boundaries; but nothing has been adopted ort put in place at the time of this review.

Lincoln County Rural Fire recommends that the multiple property owners work on a plan to develop a single water point that would service both subdivisions (proposed and Panoramic View) for fire protection. They did provide criteria for annexation.

Prompt Care and other non-emergency service situations for the area are located in Libby. .

Ambulance service is available from Libby Volunteer Ambulance service. Alert Air from Kalispell Regional Hospital is available from the heliport at Cabinet Peaks Memorial Center.

Police protection will be provided by the City of Libby Police Department and the Lincoln County Sheriff's Department and local deputies residing in the general area whom are available for response.

**WATER SUPPLY** and **WASTEWATER TREATMENT** - The nearest public water system and public wastewater treatment system are greater than 500 feet from the proposed subdivision.

Lots 2, 3, 4, and 6 are will be subject to review by Montana DEQ and Lincoln County Environmental Health. Lots 1 and 5 are over 20 acres in size and are therefore exempted from review for sanitation per MCA 76-4-103. A Health Review submittal document has been prepared by Enviro-Tech Consulting and is included within this package for review.

The proposed drain fields and mixing zones are shown in detail in the Montana DEQ section of the application.

The Department of Environmental Quality and Lincoln County's Environmental Health Department will determine if the information provided by the applicant is sufficient for a suitable drainfield site and well location on each property

**SOLID WASTE DISPOSAL FACILITIES** – Refuse shall be "Owner Haul" or "Contract Hauler" to be deposited in the Lincoln County Landfill in Libby Montana located approximately +/- 8 miles from this 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 Libby School District. Children wishing to attend public school would be required to either ride the bus or provide for personal transportation to Libby. Per current census numbers, White Pine Subdivision could potentially add 5 children to local schools. This increase will not likely be a negative impact on area schools. Such an increase in enrollment is considered negligible.

**CONCLUSION:** There does not appear to be a significant impact to local services.

#### **4. IMPACTS ON THE NATURAL ENVIRONMENT:**

**Topography:** The property is relatively flat, except for the south part of Lot 1 and Lot 3, as well as all of Lot 5 have slopes of 20-30%. Roads, driveways and building sites have the potential to cause erosion and visual impact. Building sites will be limited to areas less than 30% slope. Reseeding disturbed areas will be required to help maintain soil stability.

**Public Lands:** Lots 4 and 2 of White Pine Subdivision are adjacent to a small portion of USFS land. All other lots share a boundary with private ownership. Impact to public lands by the development of White Pine Subdivision will be minimal.

**Historical Features:** There does not appear to be any historical features on the property.

**Surface Water:** There is no surface water or 100-yr floodplain associated with or near the subject property.

**Ground Water:** Groundwater is at a sufficient depth not to be a concern for pollution.

Vegetation: The property encompassing White Pine Subdivision in a combination of variably sized conifer trees and small amounts of healthy undergrowth vegetation. This property supports a healthy forest which appears to have been managed through the years. A weed inspection was performed by Dan Williams and a draft copy of a weed plan for White Pine is provided for review.

A Fire Risk Assessment was performed by Mark Romey which yielded a moderate risk rating based on the need for future property owners to address defensible space. This document is included for review.

**CONCLUSION:** There appears to be the potential for some impact to the natural environment. Recommendations included at the end of this report may help reduce those impacts.

## **5. IMPACTS ON WILDLIFE AND WILDLIFE HABITAT:**

Nearly 80% of Lincoln County's land area is managed for wildlife habitat. According to habitat maps, available from Fish Wildlife & Parks (FWP), this proposal is in an area that may contain habitat for general/winter range for moose, elk, bear, whitetail and mule deer.

FWP mentions in their review that... *"Fences only 4-6' high, such as those suggested in the application, will do nothing to exclude wildlife from attractants such as ornamental shrubs, trees, and even green lawns; MFWP's Landowners Guide to Wildlife-Friendly Fences (Page 2012) suggests that any non-electrified exclusion fence be between 7-8' high."*

Therefore, FWP suggests that landowners be given an option to erect higher fences to exclude wildlife.

**CONCLUSION:** There also is some impact to cohabitating with wildlife; however, the final covenants governing the subdivision will address wildlife interface and ways to prevent possible conflict. The lot sizing within White Pine Subdivision will create low density residential lots that will have minimum impacts on wildlife habitat

## **6. IMPACTS ON PUBLIC HEALTH AND SAFETY:**

The proposed subdivision is within the Libby Impact Zone L of the Lincoln County Air Pollution Control District and therefore does fall under the Health & Environmental Air Ordinance Regulations for that Zone. The proposed subdivision does not fall under the Sweeping and Sanding District and therefore is not governed by those standards.

There are no existing public health and safety concerns in the area. Dust, noise, or visible pollution that could be created by development within White Pine Subdivision will be addressed and kept to a minimum through covenants

**CONCLUSION:** There is the potential for significant impact to public health and safety with this subdivision.

## **7. GROWTH POLICY:**

The Lincoln County Growth Policy encourages development near existing communities and infrastructure. It also encourages maintaining rural character, while reducing development in the Wildland Urban Interface. Lincoln County has limited area for private land to develop.

**CONCLUSION:** The project appears to conform to the growth policy.

## **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 could have very few potentially significant adverse impacts. The mitigation measures 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 **White Pine** Subdivision with the following conditions for approval:

### **ACCESS/ROADS:**

1. If the existing unnamed easement, traversing Lots 1, 3 and 5, is to be used as access it shall be brought up to Lincoln County Road Standards prior to filing the final plat (*Lincoln County Subdivision Regulations VI-G*); Otherwise, it shall be indicated on the face of the plat and the covenants as a "Non-Access Road for Lots 1, 3 and 5"
2. The Surveyor of Record must certify on the final plat that the access requirements have been met or an improvements agreement with the governing body must be filed with the final plat insuring completion of these requirements.

### **UTILITIES:**

3. Documentation, either in the form of a Letter from the USFS stating that a permit for the extension is not required or a copy of the permit for the approval of extending the underground junction as shown on the plat indicated as the Extent of Existing Utility Line must be submitted with final plat.
4. Interbel Telephone Cooperative and Lincoln Electric Cooperative shall design and approve plans for appropriate utility systems in cooperation with the subdivider within the proposed subdivision prior to final plat approval. The subdivider shall provide all necessary easements and install both utilities to abut each lot (except for Lot 1, which has existing utilities) per the utility company plans and specifications, prior to final plat approval.

### **NOXIOUS WEED/FIREWISE:**

5. Treatment of the weed indicated along the road and landings need to be treated and a final approval needs to be done by the Weed Director prior to final plat approval.
6. Clearing of any slash or debris piles, existing or new, shall be disposed of in a manner approved by the Air Pollution Control District prior to final plat approval.

**COVENANTS / ROAD MAINTENANCE:**

7. The proposed covenants for White Pine, submitted with the application, shall be amended to address the following provisions prior to final plat approval:
  - a. Add to the following language to section IV(B)(1):
    - *Any lots that access a building site off of Parmenter Creek Rd shall contact the Lincoln County Road District #1 (406-293-4557) and apply for a road approach permit prior to any construction of a driveway access.*
    - Lots 1, 3, and 5 shall not have building site access off the existing unnamed easement unless the road is brought up to county standards per the Lincoln County Subdivision Regulations (VI-G).
8. The approved weed plan shall be added as an exhibit to the covenants prior to final plat approval.

**MISCELLANEOUS/ FACE OF PLAT:**

9. All driveway approaches 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 County Resolution #804.
10. Add the following language to the face of the plat:
  - a. Any lots that access a building site off of Parmenter Creek Rd shall contact the Lincoln County Road District #1 (406-293-4557) and apply for a road approach permit prior to any construction of a driveway access.
  - b. Lots 1, 3, and 5 shall not have building site access off the existing unnamed easement that traverses the lots.
11. 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.