

STAFF REPORT
LAKE COUNTY BOARD OF COMMISSIONERS
GLENWOOD FARMS NORTH FIRST MINOR SUBDIVISION
OCTOBER 1, 2026

I. General Information

Application Type:	First Minor Subdivision
Date Received:	June 11, 2026
Date Determined Sufficient:	August 19, 2026
Review Period:	35 working days
Review Deadline:	October 8, 2026
Effective Subdivision Reg:	March 9, 2026, Res. 26-07A

II. Scheduled Meeting Dates:

Commissioner Meeting:	October 7, 2026, 2:00 pm
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III. Project Personnel:

Owners of Record:	Glenwood Farms North, William and Janice Tusick
Local Agent:	Marc Carstens
Surveyor:	Marc Carstens

IV. Brief Property Attributes:

Property Address:	40893 Paulson Rd, Polson MT
Legal Description:	E2SW Less RW
Section, Township, Range:	Section 32, Township 22 N, and Range 20 W
General Location:	Approximately 4.5 miles south of Polson
Acreage Involved:	80.39-acres
Current Land Use:	Residential/Agricultural
Proposed Land Use:	Residential/Multi-Family/Agricultural
Fire District:	Ronan Rural Fire District

V. Brief Proposal Summary:

The subject property is located at 40893 Paulson Rd, Polson, legally described as E2SW Less RW, within Section 32, T22 N, and R20 W. According to Montana Cadastral the property has three existing single-family residences, one built in/around 2010, one in/around 1988, and one built in/around 2000, the residential structures appear to be one primary residence and the remaining utilized for long term rental/employee housing. The property also contains numerous accessory structures typical of farming and ranching. All structures are located within proposed Lot 2. As proposed, Lot 2 would remain residential/agricultural use and Lot 1 would be residential/agricultural use. Proposed Lot 2 appears to be developed with 2 wastewater treatment systems and a well and Lot 1 proposes an individual wastewater treatment system and private well.

VI. Attachments:

- Attachment 1: Vicinity map
- Attachment 2: Proposed Plat
- Attachment 4: Variance Request
- Attachment 5: Proposed Covenants
- Attachment 6: Public comments (none received)

VII. Subdivision Specifics:

A. Area and property:

1. General description of property:

The property is located approximately 4.5 miles south of Polson and is accessed off of Paulson Road via Stasso Road, both county-maintained roads. Surrounding properties consist of residential and agricultural uses and range in size from 8-acres to 240-acres.

2. General description of property:

The property is relatively flat and contains areas of wetland. The Pablo A Feeder Canal of the FIIP Irrigation runs west to east through the property and within proposed lot 2. The vegetation is consistent with grazing land, flood irrigated land, and large trees and vegetation surrounding the residential structures.

3. Herd districts:

The property is located within the Pablo Herd District.

4. Perimeter fencing:

The property does appear to have perimeter fencing.

B. Zoning:

This property is not located within a zoning district.

C. Density:

The subject property is within a suggested 20-acre density area, per the 2018 Lake County Growth Policy. The subject property is 80.39 acres in size, as shown on the preliminary plat. The property currently has 3 existing single-family residential structures according to Montana Cadastral. The proposed development does comply with the Lake County suggested density as shown within Appendix C of the 2018 Lake County Growth Policy. $80.39 \text{ acres} / 4 \text{ single-family residential structures} = 20.09 \text{ density}$. The Density Map and Regulations were repealed in 2018; however, the Density Map remained an advisory document in the 2018 Growth Policy.

D. Lots and Lot Access

Each lot shall contain one or more buildable areas to support the proposed use of the property and conform to health department regulations and subdivision regulations.

(LCSR – Section X.G.1)

Each lot must abut and have legal and physical vehicle access to a public or private street or road, which is constructed to an adequate standard to serve the intended use of the lot and is located within an easement of appropriate width. *(LCSR – Section X.G.2)*

Lot 1 is proposed to access off the northeast corner which ends in the centerline of Stasso Road, a county-maintained roadway with a paved T, Lot 1 is proposed to continue its historic use off of Paulson Road, a county-maintained roadway.

Requirements

- A buildable area shall be accessible by a 12-foot-wide driveway with a maximum grade of 12%, and a maximum 5 percent slope for the initial 20 feet from the primary access road to the lot. *(LCSR – Section X.G.1.A.ii)*
- Wetlands and natural drainages shall not be included as part of any designated building site. *(LCSR – Section X.G.1.c)*
- Proposed access shall be via Stasso Road for proposed Lot 1 and Paulson Road for proposed Lot 2. *(LCSR – Section X.G.2.b)*
- Lake County Roads Department Approach permit shall be required upon further access development. *(LCSR – Section X.G.2)*

E. Easements

Paulson Road, Stasso Road, and MDOT right-of-way are shown on preliminary plat. No new easements are proposed.

F. Access and Transportation

Where subdivision is accessed by a substandard county-maintained road, as a condition of plat approval the governing body may require the future lot owners to waive their right to protest the formation of a Rural Improvement District related to access and drainage improvements that will benefit the future owners. *(LCSR – Section X.I.15)*

Along with a preliminary plat application the subdivider shall submit a plan to control dusting during and after construction and development activities. *(LCSR – Section X.I.25)*
Application materials include a dust control plan.

Requirements

The following items pertain to Access and Transportation:

- Future lot owners are required to waive their right to protest the formation of a Rural Improvement District related to access and drainage improvements that will benefit the future owners. *(LCSR – Section X.I.15)*
- Along with a preliminary plat application the subdivider shall submit a plan to control dust during and after construction and development activities. *(LCSR – Section X.I.25)*

G. Development Adjacent to Arterial Roadways and Landscaping

All buildings on parcels adjacent to an arterial roadway must be set back a minimum of 100 feet from property line adjacent to the arterial roadway. (*LCSR – Section X.J.1*)

Every site must be fully developed with improvements or landscaping as required. (*LCSR – Section X.J.2*)

All subdivisions along arterials shall include an overall landscaping and maintenance plan which complies with the subdivision standards, and which is subject to review and approval by the governing body. (*LCSR – Section X.L.2 and 4 i through vii*)

The northwest corner of the property is adjacent to MT Hwy 354, more commonly known as Back Road, a state-maintained highway. Approximately 307 feet on the northwest corner of proposed Lot 1 is adjacent to MT Hwy 354.

Variance Evaluation

The agent has requested a variance to the landscaping and maintenance requirement along the property line adjacent to the arterial roadway.

The granting of the variance will not be detrimental to public health, safety, or general welfare or injurious to other adjoining properties:

The subject property has historically existed adjacent to MT Hwy 354 and the portion adjacent to the highway is currently and proposed as residential/agricultural use. The proposed building site and approach would be off of Stasso Road, opposite the highway. This area of Lake County is known for an abundance of deer, coyote, and fox. Requiring the creation of a vegetative buffer along an arterial such as this appears to risk an invitation for animals to seek refuge in this buffer and potentially bolt into the path of passing vehicles. Granting variance relief from the landscaping and maintenance requirement does not appear to be detrimental to public health, safety, or general welfare of injurious to other adjoining properties. It appears to do quite the opposite in that it keeps the boundary line clean and visible to passing motorists.

Due to the physical surrounding, shape, or topographical condition of the property involved, strict compliance with the regulations will impose an undue hardship on the owner. Undue hardship does not include personal or financial hardship, or any hardship that is self-imposed:

The subject property is located within an area of Lake County which is known for an abundance of deer and other wildlife. Relief from the landscape and maintenance adjacent to an arterial is a hardship to the owner and the population in general as it would establish a visual buffer against an otherwise flat 20-acre parcel within an area of high wildlife populations. The hardship appears to be the result of the physical surroundings, and topographical conditions of the property that attract wildlife on a lot that borders an arterial. The hardship does not appear to include personal or financial hardship, or any hardship that is self-imposed.

The variance will not cause a substantial increase in public costs:

The variance will not cause a substantial increase in public costs; it could possibly decrease the risk in costs as it retains a clear view of the surrounding areas for highway safety.

The variance will not place the subdivision in nonconformance with any adopted zoning regulations:

The subject property is not located within a zoned area of Lake County.

Based on the above findings, planning staff is recommending variance approval to allow for relief from Section X.L of the Lake County Subdivision Regulations requiring landscaping and maintenance plan which complies with the standards of Section X.L

Requirements

- Minimum 100-foot setback from MT Hwy 354 aka Back Road must be shown on the final plat. (LCSR – Section X.J.1)

H. Mail Delivery

All subdivisions shall include a proposal for mail service that must be reviewed and approved by the local postmaster prior to plat filing. (LCSR – Section X.N)

A request for comment was sent via certified mail, December 10, 2025. No comment was received. The mail plan proposes Lot 2 to continue the use of the existing onsite mailbox to receive mail. Lot 1 proposes to use an onsite mailbox as well at the same location as Lot 2. At a future time if an individual lot owner wishes to collect their mail at the Post Office using a rented box, they will first contact the Postmaster regarding any requirements and fees.

Requirement

- A mail plan approved by the Polson Postmaster is required to be recorded with the final plat. (LCSR – Section X.N)

I. School Bus Service

All preliminary plat applications shall include a proposal for school bus service that must be reviewed and approved by the local school district administrator prior to final plat filing. (LCSR – Section X.O)

Comment was received July 3, 2026, from Polson School District #23. Andy Fors, Polson School District Superintendent stated he does not have any concerns or anticipate any significant impact on district operations, facilities, or student enrollment as a result of the subdivision.

Requirement

- A school bus plan approved by a local school district administrator is required to be recorded with the final plat.

J. Fire Protection

All subdivisions shall be planned, designed, constructed and maintained so as to minimize the risk of fire and to permit the effective and efficient suppression of fires in order to protect persons, property and forested areas. (*LCSR – Section X.R*)

Comment was received from the Ronan Rural Fire Department stating that they have no issues with the proposal and can provide service. 4.8 miles from Pablo Station and 10.5 miles from Ronan Station.

Historically, Lake County has required \$100 per lot for the local fire department to use as discretionary funds to mitigate the impacts to public health, safety, and welfare associated with the creation of additional lots. Therefore, a condition has been included requiring the subdivider to provide the Planning Department with evidence of contributing \$200 total to the Ronan Rural Fire Department prior to approval of the final plat.

K. Water Supply, Storm Water, Solid Waste, and Wastewater Treatment Systems

The subdivider shall provide along with the preliminary plat application the water supply systems, storm water systems, solid waste disposal systems, and wastewater treatment systems information required in 76-3-622, Montana Code Annotated. (*LCSR – Section X.K, X.T, X.U, X.V*)

Existing Water Facilities

As shown on the supplemental plat submittal information proposed, lot 2 has an existing well that services the property for domestic use, water right number 76L 30113856.

Proposed Water Facilities

As shown on the supplemental plat and MDEQ submittal information Lot 1 is proposed to have an individual well for domestic use.

Existing Wastewater Treatment Systems

As shown on supplemental plat Lot 2 is developed with two individual wastewater treatment systems. It is unclear at this time the status of the systems.

Proposed Wastewater Treatment System

As shown on the supplemental plat and MDEQ submittal packet Lot 1 is proposed with an individual wastewater treatment system.

Storm Water

The subdivider shall provide suitable stormwater drainage facilities in accordance with specifications of the MDEQ.

Solid Waste

Collection of solid waste is the responsibility of each lot owner. Lot owners may choose to individually collect their solid waste and transport to the Lake County Solid Waste collection site, or contract with a commercial service of their choosing.

Water Rights

The existing State issued water right, 76L 30113856 with a priority date of October , 2017, associated with the landowners Glenwood Farms North LLP and the property described as E2SW Less RW, located within Section 32, T22 N, and R20 W. The purpose of the water is domestic use.

The associated water rights are located within the property boundaries of proposed Lot 2 and are proposed to be retained by Lot 2.

The Confederated Salish and Kootenai Tribes – Montana Compact was fully approved by the Secretary of the Interior, Deb Haaland, on September 17, 2021. The date of this signature will serve as the effective date of the Compact and triggered a 180-day filing opportunity to register existing State-based water uses on the Reservation (“Registrations”) per the Compact (85-20-1901, MCA) and Unitary Administration and Management Ordinance (85-2-1902, MCA).

Requirements

The following items pertain to the water supply systems, storm water systems, solid waste disposal systems, and wastewater treatment systems for the proposed subdivision lots:

- Proposed subdivision that will create one or more parcels containing 20 acres or more, the subdivider shall demonstrate that there is an adequate water source and at least one area for a septic system and a replacement drain field for each lot in order to obtain final plat approval as per 76-3-622, MCA (*LCSR Section X.T.4, X.U.4, X.V.4, X.K.5*)
- If the lots are 20 acres or greater in size, the subdivider shall demonstrate that there is an adequate water source on each lot prior to final plat approvals as per 76-3-622, MCA. (*LCSR Section X.T.4, X.U.4*)
- The subdivider shall provide suitable stormwater drainage facilities, including retention and detention structures in accordance with the specifications of the Montana DEQ. (*LCSR Section X.K.1*)
- The owner is to file a signed disclosure and indemnification statement along with the final plat or put a disclaimer on the face of the plat itself that states the following “Lake County cannot assure water users, including this Applicant/Permittee, that they have any specific legal right to use water on the Flathead Reservation and Lake County shall be held harmless if future lot owners within the platted subdivision cannot legally access or use water”. (*LCSR*)

L. Utilities

1. **Mission Valley Power Comment**

Will serve letter was received from Mission Valley Power.

Requirements

- Utilities must be placed underground, wherever practicable. Underground utilities, if placed in the road right-of-way or easement, must be located between the roadway and the right-of-way line to simplify location and repair of lines. (*LCSR – Section X.W.3*)
- Utility easements are required to be shown on the face of the plat with dashed lines and the following statement must appear on the final plat: “The undersigned hereby grant unto each and every person, firm, or corporation, whether public or private, providing or offering to provide telephone, electric, power, gas, cable television, water or sewer services to the public, the right to the joint use of an easement for the construction, maintenance, repair and removal of their lines and other facilities, in, over, under and across each area designated on this plat as ‘Utility Easement’ to have and to hold forever”. (*LCSR – Section X.W.9*)

M. Irrigation Easements

The subdivider shall show on the final plat, and file and record with the County Clerk and Recorder, easements for the unobstructed use and maintenance of existing water delivery ditches, pipelines, and facilities in the proposed subdivision that are necessary to convey water through the subdivision to lands adjacent to or beyond the subdivision boundaries in quantities and in a manner that are consistent with historic and legal rights. A minimum width of 20 feet is required on each side of the bank of an irrigation canal and/or ditch for maintenance purposes. (*LCSR – Section X.X*)

All subdivision which contain Flathead Irrigation Project (FIIP) infrastructure shall include a reference to the applicable Code of Federal Regulations, as well as the following language on the final plat: The subdivider hereby dedicates easements of the sufficient width to permit passage and use of equipment necessary for construction and proper operation and maintenance for all infrastructure pertinent to the FIIP’s irrigation system, including but not limited to canals, laterals and other irrigation works. (*LCSR – Section X.X*)

N. Irrigation Facilities

The property has irrigation rights from the Flathead Indian Irrigation Project. The southern three quarters of the property currently utilizes flood irrigation. Pablo A Canal runs through the property from west to east, south of the proposed property boundary of Lots 1 and Lot 2.

Proposed Lot 1 is above the canal and is not subject to the Flathead Indian Irrigation Project; therefore, Lot 2 will retain the water rights, historic use, and assume all operation and maintenance costs of the Flathead Indian Irrigation Project.

Requirements

- The subdivider shall submit evidence with the final plat that the subdivider has reserved all of the appropriated water rights and operation and maintenance assessments for Lot 2 for use by the landowner and severed any remaining water rights and operation and maintenance assessments from Lot 1. (*LCSR – Section X.Y.I*)
- The subdivider shall complete and submit to Flathead Indian Irrigation Project a “Request for Comment on Land to be Subdivided” or other form used by FIIP, a draft plan and supplementary information required. All approved documentation from FIIP shall be recorded with the final plat. (*LCSR – Section X.Z*)

O. Noxious Weeds

The preliminary plat application for a proposed subdivision is required to include evidence addressing the property’s existing and future compliance with the Lake County Noxious Weed Management Plan and Montana County Noxious Weed Law. (*LCSR – Section X.BB*)

Site Evaluation

A comment letter from Lake County Weed Control District (dated May 6, 2026) indicates that the property has been evaluated for weeds. Tyler Linse, Weed Control District Coordinator, completed a weed assessment of the property.

Weed Summary

The following weeds are located on the property or in the area as determined by the site evaluation:

- The weeds identified on site were Canada Thistle, Houndstongue, Hoary Alyssum, Musk Thistle, and Spotted Knapweed.
- The weeds known to be in the surrounding area are Sulfur Cinquefoil, Whith Top, Ventenata, Dalmatian Toadflax, and Oxeye Daisy.

Weed Management Plan

All of the above mentioned weeds will need to be monitored closely and controlled as needed. A final weed management plan will be required to be signed, notarized, and filed with the final plat.

P. Structural Setbacks and Vegetative Buffers Along Water Bodies

Existing Wetlands, streams, and lakes:

The proposed subdivision has areas of wetland per the National Wetland Inventory, specifically Freshwater Emergent Wetland. (*LCSR – Section X.DD*)

Structural setbacks and vegetative buffers are required in the platting and development of all subdivisions. The required setbacks and vegetative buffer shall be depicted on the preliminary and final plats. (*LCSR – Section X.DD.1*)

As part of the requirements of this section, a buffer management plan is also required.
(*LCSR – Section X.DD.3*)

Requirements:

- 100-foot structural setbacks and 50-foot vegetative buffers shall be depicted on the final plat. (*LCSR – Section X.DD.1*)
- Buffer Management Plan for the Protection of Surface Water Quality shall be recorded with the final plat. (*LCSR – Section X.DD.13*)

Q. Wildlife

All preliminary plat applications shall identify major species of wildlife habitats; and all current and future lot owners shall implement best management practices for living with wildlife (*LCSR – Section X.EE*)

Comment was received, July 8, 2026, from CSKT Wildlife Management. No proposed, threatened, or endangered species will be affected by the proposed subdivision. Black Bears are known to inhabit all areas of the Flathead Indian Reservation. Grizzly Bears have existed on the Flathead Indian Reservation long before its designation.

A perpetual condition has been included that encourages current and future lot owners to contact the Wildlife Management Program of CSKT for consultation and information about living safely near grizzly bears and other predators to lessen the potential for human-wildlife interaction and year-round conflict. Lake County cannot guarantee that the current and future landowners will obtain information regarding living with predators and other wildlife and incorporate it into the management and use of their property; however, if the landowners do incorporate such practices, such as limiting attractants, the effect on wildlife is expected to be minimal.

R. Historical and Cultural Resources

The design and development of a subdivision must account for all historical and cultural resources. Each preliminary plat application shall include the describe and locate on a plat overlay or sketch map any known or suspected historic or cultural resources which may be affected by the proposed subdivision, including but not limited to paleontological or archeological sites, structures, or objects; a description of any protective measures or plans to protect such resources; and discuss the impact of the proposed development on any historic features and the need for an inventory, study and/or preservation with the Confederated Salish & Kootenai Tribes as appropriate. The subdivider shall provide a written statement outlining any recommendations of the CSKT and addressing any plans for inventory, study and/or preservation and mitigation planned to overcome any potentially adverse impacts. (*LCSR - Section X.GG*).

A comment from the Montana Historical Society, December 17, 2025, cited the historic Pablo A Canal, a possible historic vehicular/foot bridge, and a log structure more than one decade.

Planning staff suggests a condition of approval which states that if any resources or site locations are discovered during a project, activity is ceased in the vicinity of the cultural and/or historical resource and contact the State Historical and Preservation Office and the Confederated Salish and Kootenai Tribal Preservation Department (CSKT TPD) immediately, this includes any modifications to existing structures referenced in the Montana Cultural Resources Database.

S. Service Provider Comments

Comments were requested from Lake County Solid Waste, Montana Department of Transportation, CSKT Fish and Game, Mission Valley Power, Montana Department of Natural Resources, Lake County Roads Department, Polson Postal Service, Polson School District, St. Joseph Medical Center, Lake County Sheriff, Lake County Weed Department, Montana Historical Society, Access Montana, and Ronan Rural Fire Department.

No comment was received from Lake County Solid Waste, Montana Department of Natural Resources, Polson Postal Service, and St. Joseph Medical Center.

Comment from Jay Garrick, Lake County Roads Supervisor, December 10, 2025, states: “The proposed subdivision primarily accessing of Paulson Road, a county-maintained road, should not have any adverse effect to the Lake County Road infrastructure. The developer will need to secure an Approach Permit upon further access development”.

Comment from CSKT Wildlife Management Program, July 8, 2026, states that the proposed subdivision should have no effect on proposed, threatened, or endangered species.

Lake County Weed District inspection letter, May 6, 2026, noted the types of weeds located on the property and in the area. Tyler Linse has signed a preliminary weed management plan.

Access Montana, Lake County Sheriff Department, and Mission Valley Power will serve the proposed subdivision.

Montana Department of Transportation Department commented that it appears that MDT facilities will not be impacted. However, please contact Jesse Gascon if it is determined modifications to MDT’s system are required to accommodate the proposed development.

Historically, Lake County has required \$100 per lot to the local fire district to be used as discretionary funds to mitigate the impacts to public health, safety, and welfare associated with the creation of additional lots. A condition has been included requiring the subdivider to provide the Planning Department with evidence of contributing \$200 to the Ronan Rural Fire Department.

Montana Historical Society listed Pablo A Canal and one previously conducted cultural resource inventory done in the area. They provided a list of the sites and report.

T. Covenants

The property currently does not have any covenants. Proposed Covenants, Conditions and Restriction have been submitted, minor clarification to agricultural setback is needed. The Covenants, Conditions, and Restrictions shall be filed with the final plat.

U. Public Comment

None received.

SUGGESTED FINDINGS OF FACT
LAKE COUNTY BOARD OF COMMISSIONERS
GLENWOOD FARMS NORTH FIRST MINOR SUBDIVISION
OCTOBER 1, 2026

The proposal was evaluated by Planning Staff in consideration of the criteria set forth in the Montana Subdivision and Platting Act and the Lake County Subdivision Regulations. After review of the proposed subdivision, application, and related submittal information, the Lake County Planning Department Staff propose the following findings of fact:

I. Relevant evidence relating to public health, safety and welfare

The preliminary plat application and this report provide the record of the relevant evidence related to public health, safety and welfare including:

- a. Lot 2 has existing wastewater treatment systems and a well. Lot 1 is proposing a new well and wastewater treatment system. Lots will require approval from the Lake County Environmental Health Department/Montana Department of Environmental Quality prior to filing the final plat.
- b. The applicant will be required to provide evidence of \$200.00 payment to Ronan Rural Fire District prior to filing the final plat.
- c. Lot owners will be required to obtain a Building Notification Permit for any construction, modification, or changes in use, to ensure compliance with any conditions of approval and sanitation requirements.
- d. Access shall be Stasso Road and Paulson Road.
- e. Structure within the subdivision shall be restricted to 30 feet in height.
- f. 100-foot setback to MT Hwy 354 shall be shown on the final plat.
- g. Wetland setbacks and buffers are shown on final plat.
- h. Lot owners will be required to waive their right to protest Rural Improvement District (RIDs).
- i. Lot owners are required to contact Lake County regarding approach permits prior to developing any new approach to a county road or upgrading any existing approach.
- j. Dust is controlled in accordance with the Dust Control Plan.
- k. Lot owners are required to display an address issued by Lake County visibly on their lot.
- l. A statement regarding water rights on the Flathead Indian Reservation is required to be filed with the final plat.
- m. A Buffer Management Plan is created, recorded, and implemented.
- n. An approved School Bus Route Map is required to be filed with the final plat.
- o. A Mail Service Plan is required to be filed with the final plat.

II. The Lake County Growth Policy

The Lake County Growth Policy is a general policy document that meets the requirements of 76-1-601, MCA and was adopted on August 21, 2018. Goals and Objectives can be met if the subdivision conforms to all the provisions of the Lake County Subdivision Regulations, and conditions of approval for the subdivision.

III. The primary review criteria for subdivision

A. Effect On Agriculture

1. Definition:

Agriculture is defined as the historic or current use of land for the production, keeping or maintenance, for sale, lease or personal use, of plants, animals useful to man, including but not limited to: forages and sod crops, grains and seed crops, dairy animals and products, livestock of all kinds, bees and apiary products, trees and forest products and fruits of all kinds. This does not include land used for mineral extraction. (*LCSR Section XI*)

2. Findings

An approved weed plan will be implemented. The lot has historically been residential and agricultural uses, and it is proposed to remain residential and agricultural. Neighboring properties range from 8-acres to 240-acres. The property is fully fenced. The proposed 20-acre and 60-acre lot should not have any effect on agriculture.

B. Effect on Agricultural Water User Facilities

1. Definition

Agricultural water user's facility is defined as those facilities that provide water for irrigation or stock watering to agricultural lands for the production of agricultural products. These facilities include, but are not limited to, ditches, head gates, pipes, and other water conveyance facilities. (*LCSR – Section XI*)

2. Findings

According to the Lake County Assessor the property is charged O & M fees for Flathead Irrigation District. Historically the property utilizes flood irrigation techniques on the southern three quarters of the property. The northern quarter (proposed Lot 1) does not have the option for irrigation water. The effect on agricultural water user facilities shall remain unchanged.

C. Effects on Local Services

1. Definition

Local services are defined as any and all services that local governments, public or private utilities are authorized to provide for the benefit of their citizens. These services include, but are not limited to, law enforcement, fire protection, water supply, recreation, streets and roads, parks, libraries, schools, wastewater, electrical and telephone service and solid waste collection and disposal. (*LCSR – Section XI*)

2. Findings

Comment was received from Lake County Roads, MDOT, Mission Valley Power, Lake County Schools, Lake County Sheriff Department, and Access Montana that they see no concerns with serving the proposed subdivision. If \$200 is paid to the Ronan Rural Fire District for use as discretionary funds, building notification permits are obtained for all construction, modifications, and/or changes of use, the school bus plan and mail delivery

plan are recorded with final plat, and any necessary approvals for modifications to power infrastructure are obtained, then the impact on local services should be minimal.

D. Effect on the Natural Environment

1. Definition

These are physical conditions which exist within a given area, including land, air, water, minerals, flora, fauna, sound, light and objects of historic and aesthetic significance. (LCSR – Section XI)

2. Findings

Areas of wetlands and FIIP Pablo A Canal exist on the property. Structural setbacks and vegetative buffers are required to be shown on the final plat. A Buffer Management Plan is required to be approved and recorded prior to or concurrent with the final plat.

E. Effect on Wildlife

1. Definition

Wildlife is defined as all birds, mammals, amphibians, reptiles and fish that are not domesticated or tamed. (LCSR – Section XI)

2. Findings

July 8, 2026, comment was received from CSKT Wildlife Management stating that no proposed, threatened, or endangered species will be affected by the proposed subdivision.

A perpetual condition has been included that encourages current and future lot owners to contact the Wildlife Management Program of CSKT for consultation and information about living safely near grizzly bears and other predators to lessen the potential for human-wildlife interaction and year-round conflict.

F. Effect on Wildlife Habitat

1. Definition

Wildlife habitat is defined as the land and water that provides food and shelter for wildlife. Wildlife habitat can be defined as crucial or significant. (LCSR – Section XI)

2. The subject property is developed with structures for residential and agricultural use. Due to historical uses and approval of variance to landscaping along arterials, the subdivision does not appear to have any impact on wildlife habitat.

G. Effect on Public Safety

1. Definition

Public health and safety are defined as the prevailing healthful, sanitary condition of wellbeing for the community at large. Conditions that relate to public health and safety include but are not limited to disease control and prevention, emergency services, environmental health, flooding, fire or wildfire hazards, rock falls or landslides, instable

soils, steep slopes, and other natural hazards; high voltage lines or high-pressure gas lines; and air or vehicular traffic safety hazards. (*LCSR – Section XI*)

2. Findings

Lot owners are required to obtain and display an address from Lake County that is recorded in the E-911 database. They are also required to obtain a building notification permit prior to any future construction to ensure compliance with the subdivision conditions of approval and sanitation requirements. A donation will be required to be made to the Ronan Rural Fire Department to aid with any additional costs as a result of the proposed development. All sewer, water, and stormwater will be required to be reviewed and approved by Lake County Environmental Health Department/MDEQ prior to the filling of the final plat. If all are implemented, then the effects to public health and safety should be minimal.

Whether the plat conforms to provisions of

IV. The Montana Subdivision and Platting Act

The preliminary plat itself would conform to all the provisions of the Montana Subdivision and Platting Act if the final plat meets state survey requirements, which will be determined when it is reviewed by the Lake County Examining Land Surveyor prior to final plat approval.

V. Lake County Subdivision Regulations

If the requested variance is approved and mapped wetlands and irrigation canal, and setback to arterial highways are shown on the final plat for building restrictions, the proposal would reasonably comply with the requirements of the subdivision regulations.

VI. The Local Zoning Regulations

This property is not within a Lake County Zoning District.

VII. Provisions of easements for the location and installation of any planned utilities

No new easements or planned utilities are requested. An existing Right-of-way exists for Stasso and Paulson Roads. The utility easement and the service provider right-to-access statement found in Section X.W.9 of the Lake County Subdivision Regulations shall appear on the final plat.

STAFF RECOMMENDATIONS
LAKE COUNTY BOARD OF COMMISSIONERS
GLENWOOD FARMS NORTHFIRST MINOR SUBDIVISION
OCTOBER 1, 2026

After considering the proposal and weighing the expected impacts as discussed in this report and the proposed Findings of Fact, Planning Staff recommends that the proposed first minor subdivision be considered for preliminary plat approval, and subject to the following conditions, which include conditions of preliminary approval in addition to perpetual conditions that shall run with the land:

Variance Evaluation:

The agent has requested a variance to Lake County Subdivision Regulations Section X.L.2 landscaping and maintenance requirement along the property line adjacent to the arterial roadway.

The granting of the variance will not be detrimental to public health, safety, or general welfare or injurious to other adjoining properties:

The subject property has historically existed adjacent to MT Hwy 354 and the portion adjacent to the highway is currently and proposed as residential/agricultural use. The proposed building site and approach would be off of Stasso Road, opposite the highway. This area of Lake County is known for an abundance of deer, coyote, and fox. Requiring the creation of a vegetative buffer along an arterial such as this appears to risk an invitation for animals to seek refuge in this buffer and potentially bolt into the path of passing vehicles. Granting variance relief from the landscaping and maintenance requirement does not appear to be detrimental to public health, safety, or general welfare or injurious to other adjoining properties. It appears to do quite the opposite in that it keeps the boundary line clean and visible to passing motorists.

Due to the physical surrounding, shape, or topographical condition of the property involved, strict compliance with the regulations will impose an undue hardship on the owner. Undue hardship does not include personal or financial hardship, or any hardship that is self-imposed:

The subject property is located within an area of Lake County which is known for an abundance of deer and other wildlife. Relief from the landscape and maintenance adjacent to an arterial is a hardship to the owner and the population in general as it would establish a visual buffer against an otherwise flat 20-acre parcel within an area of high wildlife populations. The hardship appears to be the result of the physical surroundings, and topographical conditions of the property that attract wildlife on a lot that borders an arterial. The hardship does not appear to include personal or financial hardship, or any hardship that is self-imposed.

The variance will not cause a substantial increase in public costs:

The variance will not cause a substantial increase in public costs; it could possibly decrease the risk in costs as it retains a clear view of the surrounding areas for highway safety.

The variance will not place the subdivision in nonconformance with any adopted zoning regulations:

The subject property is not located within a zoned area of Lake County.

Requirements

- Minimum 100-foot setback from MT Hwy 354 aka Back Road must be shown on the final plat. *(LCSR – Section X.J.1)*

Conditions of Approval

1. The final plat, plans, and specifications of all improvements shall meet all applicable design and improvement standards and any other requirements of the Lake County Subdivision Regulations *(LCSR, effective July 1, 2010, Res. #10-15)* and the Montana Uniform Standards for Final Subdivision Plats. *[LCSR, Montana Subdivision and Platting Act (MSPA)]*
2. The stormwater, water supply, and sewage disposal systems or exemption from sanitation review shall be reviewed by the Montana Department of Environmental Quality (MDEQ), the Lake County Environmental Health Department, or other applicable reviewing authority prior to recording the final plat and the sanitation approval statement, which shall be filed with the Lake County Clerk & Recorder prior to or concurrent with the recording of the final plat. *(Staff Report VII.K, and Findings of Fact I)*
3. Prior to submitting stormwater, water supply, and sewage disposal plans to MDEQ, the Lake County Environmental Health Department or other applicable reviewing authority for review, the developers or their designated agents shall obtain from the Planning Department copies of all public comments regarding the proposed sewage disposal systems, stormwater plans, and water supplies, and include these comments in the submittal to MDEQ and the Environmental Health Department. *(MSPA)*
4. Required stormwater management plan that has been approved by the Lake County Environmental Health Department and/or MDEQ shall be filed or recorded prior to or concurrent with the recording of the final plat. *(LCSR)*
5. All documents required by Appendix A and any other portion of the subdivision regulations and as required in these conditions of approval shall be filed or recorded prior to or concurrent with the recording of the final plat. *(LCSR)*
6. The final plat shall depict the width and purpose of any necessary easements including Stasso and Paulson Road ROW, MDOT highway ROW, Irrigation easements, access easements, and utility easements. *(LCSR – Section X.I, X.W, X.X and XX.DD, Staff Report VII.E and VII.M, Findings of fact)*
7. A buildable area shall be accessible by a 12-foot wide driveway with a maximum grade of 12%, and a maximum 5 percent slope for the initial 20 feet from the primary access for Lot 1 off Stasso Road. *(LCSR – Section X.G.A.ii, Staff Report VII.D)*
8. Lake County Approach Permits shall be required upon further access development. *(Staff Report VII.D, Findings of fact)*
9. 100-foot setback from MT Hwy 354 must be shown on the final plat. *(LCSR – Section X.J.1, Staff Report VII.G, Findings of fact)*

10. Dust Control Plan must be filled with the final plat and implemented during periods of construction. *(LCSR – Section X.I.25, Staff Report VII.F, Findings of fact)*
11. A Mail Service Plan is required to be recorded with the final plat. *(LCSR – Section X.N, Staff Report VII.H)*
12. An approved School Bus Route Map is required to be filed with the final plat. *(LCSR – Section X.O, Staff Report VII.I)*
13. Prior to recording the final plat, the subdivider shall provide the Planning Department with evidence of contributing \$200 to the Ronan Rural Fire District to be used by the department as discretionary funds. *(Staff Report VII.I, Findings of Fact)*
14. The owner is to file a signed disclosure and indemnification statement along with the final plat or put a disclaimer on the face of the plat itself that states the following “Lake County cannot assure water users, including this Applicant/Permittee, that they have any specific legal right to use water on the Flathead Reservation and Lake County shall be help harmless if future lot owners within the platted subdivision cannot legally access or use water”. *(LCSR, Staff Report VII.K)*
15. The subdivider shall complete and submit to Flathead Indian Irrigation Project a “Request for Comment on Land to be Subdivided” or other form used by FIIP, a draft plan and supplementary information required. All approved documentation from FIIP shall be recorded with the final plat. *(LCSR – Section X.Z, Staff Report VII.N)*
16. A modified Buffer Management Plan must be recorded prior to or concurrent with the final plat. *(LCSR – Section X.DD, Staff Report VII.P, Findings of fact)*
17. 100-foot structural setback and 50-foot vegetative buffer to wetlands shall be shown on the final plat. *(LCSR – Section X.DD.1, Staff Report VII.P, Findings of fact.*
18. The final plat shall depict the width and purpose of any necessary easements. *(LCSR Sections X.W & X.Z)*
19. All new power and telephone utilities shall be installed underground to each lot in accordance with Section X.W of the subdivision regulations. *(LCSR Section X.W, Staff Report VII.L)*
20. The utility easement and the service provider right to access statement found in Section X.W.9 of the subdivision regulations shall appear on the final plat. *(LCSR, Staff Report VII.L, Findings of fact)*
21. A Noxious Weed Management Plan shall be approved by the Lake County Weed Control District, signed by the property owner, and filed with the final plat. *(LCSR – Section X.BB, Staff Report VII.O, Findings of fact)*
22. Covenants, Conditions, and Restriction document referring to setbacks to agricultural/pastureland must be clarified and final document must be filed with the final plat. *(Staff Report VII.T)*

Perpetual Conditions

23. The development of this subdivision shall be in accordance with the general design, information, and agreements provided in the preliminary submittal and this report, except as modified by the condition of approval. *(LCSR)*
24. A Building Notification Permit issue by the Lake County Planning Department is required prior to modifications of existing structures, prior to developing the lot, and prior to any changes in use of the lots, to ensure compliance with the sanitation and subdivision approvals, including but not limited to compliance with the sanitation approval statement, structural setbacks, building envelopes, and the placement of utilities underground. *(LCSR)*
25. Buildings within this subdivision shall be restricted to a maximum height of 30-feet. *(LCSR)*
26. Residential Setbacks:
 - 30 feet from any property line
 - 100 feet from neighboring agricultural and pasture lands
27. Residential structures shall have a permanent concrete foundation and shall be of frame, log construction, and/or modular homes built of conventional materials.
28. All approved water supply, wastewater treatment, and stormwater management techniques shall be implemented, and all infrastructure shall be installed according to the approved specifications as detailed in sanitation approval statement(s) filed with the Lake County Clerk & Recorder. *(Staff Report VII.J, Findings of fact)*
29. Lot owners shall obtain a county-issued rural address located by Global Positioning System pursuant to the Lake County adopted standards in order to be incorporated into the Lake County enhanced-911 database. *(Lake County Resolution #07-41)*
30. The current and future owners of lots within this subdivision waive the right to protest rural improvement districts (RID's) created to bring Timberlane Road and its associated stormwater drainage areas up to the design and construction standards of the subdivision regulations in effect at the time of this review. This condition shall remain in full effect for 20 years from the date that the final subdivision materials are recorded for this subdivision. *(LCSR – Section X.I.16, Staff Report VII.F, Findings of fact, MCA 76-3-608(7))*
31. Current and future lot owners are put on notice that landowners adjacent to the subdivision actively farm their land. Such farm and ranch activities include, without limitation, spraying and crop dusting, utilization of heavy machinery, cultivation, planting and harvesting of crops and otherwise managing timber resources. All subdivision lot owners understand and agree that such agricultural activities can create, without limitation, noise, dust, allergens and offensive odors, and all subdivision lot owners hereby waive all rights to protest or take any other action that would in any way inhibit the subdivision's adjacent landowners from engaging in farm or ranch activities. *(76-3-608(3)(c), effect on agriculture)*
32. Cats, dogs, and other common household pets may be kept provided they are contained to the owner's property or under the direct control of the owners. Such animals must be kept within a properly fenced enclosure, structure or kennel, or other means that ensure that the animal is restricted or confined to the owner's property when not on a leash or otherwise under the direct control of their owner. All subdivision lot owners further understand and agree that adjacent landowners may take whatever action is necessary to maintain their farm and ranch activities,

including, without limitation, the right to protect their livestock from harassment by pets. (76-3-608(3)(c), *effect on agriculture*).

33. If cultural materials are inadvertently discovered during any development of the parcels or the State Historical and Preservation Office and the CSKT Tribal Preservation Office shall be contacted, and the site shall be investigated. This includes any modifications to existing structures referenced in the Montana Cultural Resources Database. (*LCSR - Section X.GG, Staff Report VII.O*)
34. All current and future lot owners shall properly dispose of solid waste. All construction waste associated with developing the property shall be hauled to the Lake County Landfill for proper disposal and not dumped illegally at container sites or elsewhere. (*Staff Report VII.J, Findings of fact*)
35. Lot owners obtain a copy and adhere to CS&KT's Grizzly BMPs and contact the CS&KT Tribal Wildlife and Montana Fish Wildlife and Parks office to obtain information about living safely near wildlife. (*Staff Report VII.N, Findings of fact*)
36. All current and future lot owners are required to manage and control weeds within their lot boundaries in accordance with the local and State weed laws and any existing weed management plans for the subdivision or its lots. (*Staff Report VII.L, Findings of fact*)

This recommendation for approval for Glenwood Farms North First Minor Subdivision for the creation of one additional lot for residential/agricultural use. Lot 1 is to be used for single-family residential/agricultural use. Lot 2 is to be used for three (3) existing single-family residences and agricultural use, per the 2018 Growth Policy definitions. All residential structures, including guest houses or any other structures containing water and sewer facilities, must comply with all applicable sanitation regulations. Any other use would require additional review and approval from Lake County. Lot 1 and Lot 2 are not approved for use by commercial or industrial enterprises or as a short term (less than 30-day) vacation rental.

Conditional approval will expire three (3) years from the date of preliminary approval unless the subdivider and Board of Lake County Commissioners agree to an extension.