

Flathead Lakers

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November 21, 2007

Flathead County Planning Board
Flathead County Planning & Zoning
1035 1st Ave W
Kalispell, MT 59901

Re: 2007 North Shore Ranch subdivision proposal

Dear Planning Board Members:

Please accept the following comments submitted by the Flathead Lakers opposing the North Shore Ranch subdivision as currently proposed. The Flathead Lakers is a nonprofit organization working for clean water, healthy ecosystems and lasting quality of life in the Flathead Watershed. The Flathead Lakers was founded in 1958 and currently has over 1,300 members.

Some places are too special and too vulnerable to rely on numerous mitigation measures, multiple permit conditions, special construction methods, and difficult to enforce covenants in order to protect the Flathead's waters, wildlife and quality of life. The north shore of Flathead Lake is one of those places.

The north shore comprises a special combination of beautiful scenery, farm lands, lakeshore, wetlands and riparian habitat. It is a hot spot for waterfowl and other birds and for bird hunting. The area's wetlands and vegetated buffers help protect water quality in Flathead Lake. These natural assets contribute to Flathead County's quality of life and economy. In fact, the county's quality natural environment has become a competitive advantage and a major force driving economic growth in the valley. High density development at the north shore could destroy or seriously damage these assets.

The density of the proposed North Shore Ranch subdivision has not been substantially changed from the original application and remains inappropriate for this unique area due to the shallow groundwater, potential to degrade water quality, and the significant potential impacts on the adjacent U.S. Waterfowl Production Area, waterfowl, and other wildlife.

It is also important to note that most of the area proposed for this subdivision is in the 500-year floodplain. The new Flathead County Growth Policy includes a policy to "discourage high density development within the 500-year floodplain (P10.1, please see enclosed map).

Shallow Groundwater

The Flathead Lakers are concerned about the density of the proposed development in an area of very shallow groundwater. Shallow aquifers are vulnerable to degradation from nonpoint source contamination. Runoff from residential development carries sediments and nutrients as well as toxic materials, such as heavy metals, benzene and hydrocarbons from vehicles.

The newly adopted Flathead County Growth Policy states that “Shallow aquifers are intrinsically susceptible to surface sources of contamination” and includes specific goals and policies for development in areas of shallow groundwater:

Goal 40: “Protect sensitive areas over shallow aquifers,”

Policy 40.3: “Encourage rural residential densities at an average of one dwelling unit per five acres and/or community wastewater treatment systems on sites where the groundwater is less than eight feet unless scientific evidence shows that a greater or lesser density is appropriate.”

Goal 40.4: “Encourage rural low-intensity land uses in areas where the groundwater is less than eight feet unless scientific evidence shows that a higher or lower intensity of land use is appropriate.”

Much of the proposed subdivision would be located where the depth to groundwater is less than eight feet, with as many as 107 lots located where the depth to groundwater is less than four feet.

The shallow groundwater, questions about the capacity of the soils over this shallow groundwater to adequately absorb and filter stormwater runoff, and questions about whether special construction methods are sufficient to protect health, safety and welfare (see staff report, pages 18-21), lead us to the conclusion that the proposed density is too great for this location even with the proposed connection to the Lakeside sewer system.

Stormwater Management

The Stormwater Management Plan prepared by RLK Hydro, Inc. does not provide sufficient information to show that stormwater collection, conveyance and retention features proposed will be adequate to absorb stormwater in this area of very shallow groundwater without the potential for significant flooding during storm events and snow melt. More details about the proposed size and number of stormwater collection and detention areas, estimates of the amounts of water generated by various storm events, the capacity of the soils and ponds to absorb those amounts of water in different seasons, and the elevation of buildings required to avoid flooding are all needed.

Lakeside Sewer Capacity

Although the proposed subdivision has approval from the Lakeside Water and Sewer District for wastewater treatment, concerns have been raised about the district’s capacity to serve this and other proposed subdivisions. The Lakeside Wastewater System 2007 Preliminary Engineering Report (available at <http://lakesidesandw.com/lakesidewastewaterreport.pdf>) indicates that the system’s piping and other infrastructure will be inadequate to serve the proposed subdivision, particularly as other proposed subdivisions, some of which have also received approval for connections, are developed. We believe the issue of sewage treatment capacity, needed upgrades, meeting Total Maximum Daily Load targets and permit limits, and the sewer district’s ability to add capacity to its system should be fully evaluated and resolved with public input prior to preliminary plat approval for the North Shore Ranch subdivision proposal.

Wildlife Impacts

The north shore provides important wildlife habitat. The north shore contains the most significant wetland acreage around the lake. This large wetland complex includes the U.S. Fish and Wildlife Service Waterfowl Production Area. The adjacent upland agricultural areas provide important habitat and forage areas for waterfowl. Waterfowl travel between the WPA on Flathead Lake and other wetlands, the Flathead River and farm lands for feeding. If the protected wildlife areas become islands in a sea of development, it will likely lead to the loss of a significant amount of waterfowl use of these areas and the recreational opportunities for hunting and bird watching that they provide.

A Vision to Protect Special North Shore Values

The Flathead Lakers have been working with the Flathead Land Trust and other partners to explore ideas for a practical conservation strategy for the north shore area that protects its special attributes.

The Land Trust has met with north shore land owners and many are enthusiastic about exploring options that will address their needs *and* protect the many public benefits the north shore provides. A conservation strategy could include trails, parks, wetland restoration, purchase of conservation easements, and limited development. We are striving for a win-win solution for the land owners, neighboring communities, the public and the county. We hope to work with the North Shore Ranch subdivision applicants to find a solution that meets their needs as well. This could include outright purchase of the property or a portion of the property, purchased conservation easements, and limited development clustered away from the most sensitive areas. We are optimistic that solutions can be created that will meet the needs of participating landowners, that funding can be secured, and that the public will embrace this alternative to full development of the private lands in north shore area.

Conclusion

Despite some positive elements in the subdivision proposal, such as limiting the amount of impervious surface area by restricting road widths and connecting to the Lakeside Water & Sewer District sewage treatment plant, the subdivision as proposed is inappropriate for the special area at the north shore of Flathead Lake adjacent to a federally protected wildlife area. The Flathead Lakers encourage the Flathead County Planning Board to recommend denial of the subdivision as it is currently proposed.

We reiterate additional recommendations that we included in our July 18, 2006 comment letter on the original North Shore Ranch subdivision application:

- Adopt the U.S. Fish and Wildlife Service's recommendation to initiate a collaborative effort to "develop a comprehensive plan for the lower valley area that protects its unique wildlife, recreational, scenic, and quality of life values."
- Require a thorough review and analysis of the cumulative impacts of development on water quality, wildlife habitat and wildlife use in the north shore area prior to approving development proposals in the north shore area.
- Consider designating the north shore area a "Special Consideration Area" or developing a Neighborhood Plan as a growth policy implementation tool to protect north shore wetlands, shallow groundwater, wildlife and wildlife habitat prior to considering for approval development proposals with a density greater than one lot per five acres in the north shore area where the depth to groundwater is eight feet or less.

The Flathead Lakers recognize the challenges the county faces in balancing the public interest with private economic endeavors. But the pace of development now occurring in the Flathead Valley challenges the county to make sure growth, development and economic enterprise can be accommodated in ways that do not degrade or destroy the environmental quality and natural amenities that provide many public benefits and that are the very things attracting growth. The north shore area is unique in the combination of such benefits it provides and is truly deserving of thoughtful consideration of how to ensure those benefits endure.

Thank you for the opportunity to comment.

Sincerely,



Dan Barz
President

Robin Steinkraus
Executive Director

cc: Flathead County Board of Commissioners
Enc.: 500-year floodplain map