COMMISSIONERS APPROVAL

IMAN JR

CHILCOTT

FOSS SL

KANENWISHER MK

STOLTZ

PLETTENBERG (Clerk & Recorder)

Members Present..... Commissioner J.R. Iman, Commissioner Greg Chilcott, Commissioner Suzy Foss, and Commissioner Ron Stoltz

Date.....February 14, 2011

►Minutes: Glenda Wiles

►The Board met for the following administrative matters at 8:30 a.m.:

- Approval of Eclipse Engineering for structural engineering services for the repair of the road shop due to a recent fire: Commissioner Iman noted MACo/JPIA Insurance Company chose Eclipse Engineering to submit a bid due to their expertise. **Commissioner Chilcott made a motion to send the contract to civil counsel for review and pending favorable review to have the Chair execute the contract. Commissioner Foss seconded the motion and all voted "aye".**
- Commissioner Iman also gave an update on the repairs thus far which have also been approved by MACo/JPIA Insurance
- Designation of Environmental Certifying Official for Corvallis CTEP Project: **Commissioner Chilcott made a motion to have the Chair sign this letter of designation for Lea Guthrie. Commissioner Foss seconded the motion and all voted "aye".**

►The Board met for discussion and decision to issue letters of support for S.A.F.E. for VOCA grant (Victim of Crime Act) at 9:00 a.m. Present at this meeting was S.A.F.E. Executive Director Stacey Umhey and numerous S.A.F.E. supporters including Sheriff Hoffman. Stacey noted this is a renewal application for the grant in the amount of $15,000 and has been in existence for over 15 years. Funding for this grant is through fees of criminal fines, not through any tax dollars. **Commissioner Chilcott made a motion to approve the letter of support for the victims against crimes and Commissioner Foss seconded the motion and all voted "aye".**

►The Board met for an update on Drug Free Communities Program and DUI Task Force at 9:30 a.m.: Those present were Drug Free Community Coordinator Charmell Owens, Ravalli County DUI Task Force Coordinator Glenda Wiles and numerous members of the Prevention Coalition. An update on the activities of the Prevention Coalition and DUI Task Force were given as well as the successes of the Prevention Coalition in the community particularly for those under the age of 18.

►Minutes: Beth Perkins

►The Board met to appoint a new member to the Animal Protection and Control Board at 10:40 a.m. Present were Sheriff Chris Hoffman and William Menager.

The Board discussed issues with all volunteer boards and the need for diversity. **Commissioner Foss made a motion to appoint Belinda Brining to the Animal Protection and Control Board with term ending December 31, 2014. Commissioner Chilcott seconded the motion and all voted "aye".**

►The Board met for the approval of the Cooperative Law Enforcement Agreement between the Sheriff's Office and Forest Service at 11:00 a.m. Present were Sheriff Chris Hoffman and William Menager.

Sheriff Hoffman gave a brief update of the agreement and stated this is an annual item for approval.

Commissioner Chilcott made a motion to approve the Cooperative Law Enforcement Agreement between the Sheriff's Office and the Forest Service for the calendar year 2011. Commissioner Foss seconded the motion and all voted "aye".

►The Board met for discussion and decision to issue letter of support for the Victim Assistance Program for the VOCA grant (Victim of Crime Act) at 11:30 a.m. Present were Sheriff Chris Hoffman, Val Widmer, and William Menager.

Val Widmer gave a brief background of the Victim Assistance Program to the Board and requested support in applying for the VOCA grant. Sheriff Hoffman stated it is an unusual model since most victim advocacy throughout the State is usually handled through the County Attorney's Office. This has worked well with collaborative efforts and he is in support of this program. Commissioner Foss asked if Val anticipates any reduction in funds with this grant. Val replied it is possible but she hasn't heard anything to date. Commissioner Iman questioned if this is a competition between Victim Assistance Program and S.A.F.E. for the same funds. Val replied it is not viewed as competition since both S.A.F.E. and Victim Assistance Program write letters of support for each other. **Commissioner Chilcott made a motion to issue a letter of support for the VOCA grant for the Victim Assistance Program. Commissioner Foss seconded the motion and all voted "aye".**

►Commissioner Stoltz was out for the morning for jury duty.

►Commissioner Chilcott participated in MACo Legislative Conference Call at noon.

►The Board met for approval of the MOU between City of Hamilton and Dispatch for SWIFTJUSTICE database access at 1:30 p.m. Present were Jim Olsen, I.T. Director Joe Frohlich, Stacey Umhey, Chief of Hamilton Police Ryan Oster, Dennis Stranger, 9-1-1 Supervisor Joanna Hamilton, Dispatcher Eric Gustafson and William Menager.

Jim Olsen presented a draft MOU to the Board however, there are budget questions. The intent is to bring in the funds from all entities involved for the expense. Chief Oster explained how the police run into problems without information available through dispatchers. The benefit is having the most up-to-date information and histories available to law enforcement. He requested the County sign on to the project since it will be the dispatchers they would be working with. In the interest of public safety, this program makes sense. Commissioner Chilcott clarified that the project will integrate SWIFTJUSTICE into RMS and CTS for a more seamless flow of information for law enforcement. Joanna Hamilton expressed her concern for a separate application however, after discussion, it was determined SWIFTJUSTICE can be imported into the existing system. Having better information available is what is needed for public and law enforcement safety. Commissioner Chilcott was in agreement to move forward with a final draft for Board signature. The Board concurred with Commissioner Chilcott.

This meeting was continued until February 22nd at 1:30 p.m. for final draft approval.

►The Board met for a Public Hearing for Sunnyside Orchards #3, Block 12, Lot 1, AP Subsequent Minor Subdivision at 2 p.m. Present were Interim Planning Director Tristan Riddell, Gordon Sorenson, Kevin Schultz and William Menager.

Commissioner Iman opened the public hearing and requested any conflicts of interest be disclosed. Hearing none, he then requested the Planning Staff Report be read.

Tristan presented the Staff Report as follows:

SUNNYSIDE ORCHARDS NO. 3, BLOCK 12, LOT 1A, AP THREE-LOT SUBSEQUENT MINOR SUBDIVISION

STAFF REPORT FOR BOARD OF COUNTY COMMISSIONERS

CASE PLANNER: Tristan Riddell

REVIEWED/ APPROVED BY: John Lavey

PUBLIC HEARINGS/ MEETINGS:

Planning Board Public Meeting: November 3, 2010
BCC Public Hearing: 9:00 a.m.
December 6, 2010
Deadline for BCC action (60 working days):
December 30, 2010

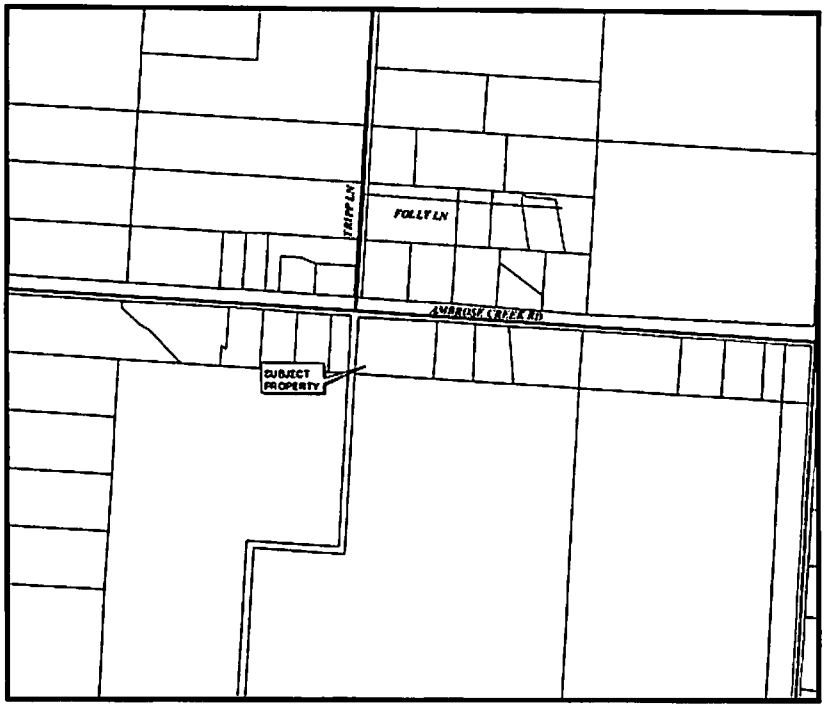
APPLICANT/ OWNER:

Kevin Schultz
849 Middle Burnt Fork Road
Stevensville, MT 59870

REPRESENTATIVE:

Gordon Sorenson Engineering
2610 Gunsight Court
Missoula, MT 59804

LOCATION OF REQUEST: The property is located northeast of Stevensville off Ambrose Creek Road. *(See Map 1)*



Map 1: Location Map
(Source Data: Ravalli County GIS Department)

LEGAL DESCRIPTION OF PROPERTY:

Lot 1A of Block 12, Sunnyside Orchards No. 3 Amended Plat #444 located in the NW ¼ NE ¼ of

Section 7, T9N, R19W, P.M.M., Ravalli County, Montana.

APPLICATION INFORMATION: The subdivision application was deemed sufficient on September 30, 2010. Agencies were notified of the subdivision on July 12, 2010 and October 14, 2010. Comments received by the Planning Department not included in the application packet are Exhibits A-1 through A-8 of the staff report.

LEGAL NOTIFICATION: Notice of the project was posted on the property and adjacent property owners were notified by regular mail dated October 20, 2010. No public comments have been received to date.

DEVELOPMENT PATTERN:

Subject property:	Residential
North:	Residential
South:	Agricultural
East:	Residential
West:	Residential

INTRODUCTION

The Sunnyside Orchards No. 3, Block 12, Lot 1A, Subsequent Minor subdivision is a 3-lot subdivision northeast of the Town of Stevensville, accessed off of Ambrose Creek Road. The proposed subdivision is located in an area of predominately residential use. All lots are proposed for single family residential use. There is an existing single-family dwelling located on the subject property. The subject property was one of two lots created in 1986 through subdivision, thus making this proposal a subsequent minor subdivision.

Staff recommends conditional approval of the subdivision proposal.

RAVALLI COUNTY BOARD OF COUNTY COMMISSIONERS
DECEMBER 6, 2010

SUNNYSIDE ORCHARDS NO. 3, BLOCK 12, LOT 1A, AP
THREE-LOT SUBSEQUENT MINOR SUBDIVISION

RECOMMENDED MOTION

That the Sunnyside Orchards No. 3, Block 12, Lot 1A, AP, Subsequent Minor Subdivision be ***approved***, based on the findings of fact and conclusions of law in the subdivision report and subject to the conditions in the staff report.

RECOMMENDED MITIGATING CONDITIONS OF APPROVAL FOR THE SUBDIVISION

The following conditions have been recommended to mitigate any perceived negative effects that this subdivision will have on the seven criteria based on the findings of fact and conclusions of law as discussed within the body of this staff report.

1. A document entitled "Notifications to Future Property Owners" that includes the following notifications and the attachments listed below shall be included in the submittal of the final plat to the Planning Department and filed with the final plat:

   Notification of Proximity to Agricultural Operations. This subdivision is located near existing agricultural activities. Some may find activities associated with normal agricultural activities objectionable and dangerous. *(Section 3-2-8(b)(v)(A), RCSR, Effects on Agriculture)*

   Notification of Road Maintenance Agreement. Ravalli County, the State of Montana, or any other governmental entity does not maintain the internal subdivision road, and therefore does not assume any liability for improper maintenance or the lack thereof. A Road Maintenance Agreement for this road was filed with this subdivision and outlines what parties are responsible for maintenance and under what conditions. *(Section 3-2-8(b)(v)(C), RCSR, Effects on Local Services)*

   Notification of No-Ingress/Egress Restrictions. A no-ingress/egress restriction exists along Ambrose Creek Road, excepting the approved approach for the internal roadway. Furthermore, there is a no-ingress/egress restriction along the entire western boundary of Lot 3. Locations of the no-ingress/egress restrictions can be found on a reduced copy of the final plat. [*The applicant shall provide a reduced copy of the plat showing the no-ingress/egress zones.*] This limitation of access may be lifted or amended only with the approval of the Board of Ravalli County Commissioners. *(Section 3-2-8(b)(v)(C and F), RCSR, Effects on Local Services and Public Health and Safety)*

   Notification of Wastewater Treatment System Maintenance. It is recommended that the septic tank sludge and scum layer be checked every three years and tank pumped, if necessary. Effluent filters are recommended to be cleaned every year. The drain field is recommended to be evaluated during the three year check and any problems with compaction, water logging, inappropriate vegetative cover, parking or driving over the area and replacement area, or buildings located over the area should be appropriately addressed. It is recommended that pump chambers, pumps, pump controls, and other equipment be checked yearly as provided for by "The Montana Standards for Subsurface Wastewater Treatment Systems", Circular DEQ-4, Section 7.4 and Appendix D, (http://www.deq.state.mt.us/wqinfo/Circulars/DEQ42004Edition.pdf) and the

manufacturer's recommendations. *(Section 3-2-8(b)(v)(C, D), RCSR, Effects on Natural Environment)*

Notification of Installation and Use of Wood Stoves. The County recommends that home owners install EPA-certified wood stoves to reduce air pollution. It is recommended that wood burning stoves not be used as the primary heat source. More information is available at http://www.epa.gov/woodstoves/index.html. The State of Montana offers an Alternative Energy Systems Credit for the cost of purchasing and installing a low emission wood or biomass combustion device such as a pellet or wood stove. *(Section 3-2-8(b)(v)(D), RCSR, Effects on Natural Environment)*

Notification of Lighting for New Construction. Full cut-off lighting is recommended for any new construction within this subdivision. A full cut-off fixture means a fixture, as installed, that is designed or shielded in such a manner that all light rays emitted by the fixture, either directly from the lamps or indirectly from the fixture, are projected below a horizontal plane through the lowest point on the fixture where light is emitted. The source of light should be fully shielded on the top and sides, so as not to emit light upwards or sideways, but only allowing light to shine down towards the subject that is to be lighted. For more information, visit www.darksky.org. *(Section 3-2-8(b)(v)(D, F), RCSR, Effects on Natural Environment and Public Health and Safety)*

Notification of Living with Wildlife. (See Exhibit A-8 of this staff report for required provisions.) *(Section 3-2-8(b)(v)(A, E), RCSR, Effects on Wildlife, and Wildlife Habitat)*

Notification of No-Build/Alteration Zone. Within this subdivision there is a no-build/alteration zone, as shown on the plat, to restrict building in areas with steep slopes. No new structure, with the exception of fences, may be constructed in these areas. No new utilities may be constructed in these areas. The locations of the building envelopes can be found on a reduced copy of the final plat. The no-build/alteration zone does not apply to the areas depicted by building envelopes, as shown on Lots 1 and 2 of the final plat. [*The applicant shall provide a reduced copy of the plat showing the building envelopes.*] *(Section 3-2-8(b)(v)(B), RCSR, Effects on Public Health & Safety)*

Notification of Potential Radon Exposure. There exists a potential health risk from radon concentrations, which are presently undetermined at this location. Unacceptable levels of radon can be reduced through building design and abatement techniques incorporated into structures. Property owners are encouraged to have their structures tested for radon. Contact the Ravalli County Environmental Health Department or the United States EPA

for further information. *(Section 3-2-8(b)(v)(F), RCSR, Effects on Public Health & Safety)*

2. Protective covenants for this subdivision shall be submitted with the final plat that include the following provisions:

   Fire Protection Standards. The Three Mile Rural Fire District has adopted the Fire Protection Standards which include address posting and access standard provisions. Please contact the Three Mile Rural Fire District for further information. A copy of the Fire Protection Standards has been filed as part of the plat decision in conjunction with this subdivision. *(Section 3-2-8(b)(v)(C, F), RCSR, Effects on Local Services and Public Health & Safety)*

   Control of Noxious Weeds. A weed control plan has been filed in conjunction with this subdivision. Lot owners shall control the growth of noxious weeds on their respective lot(s). Contact the Ravalli County Weed District for further information. *(Section 3-2-8(b)(v)(A, D), RCSR, Effects on Agriculture and Natural Environment)*

   Junk Vehicles. Junk vehicles are required to be removed, shielded, or repaired in accordance with the Montana Motor Vehicle Recycling and Disposal Act, Title 75, Chapter 10, Part 5, MCA. *(Section 3-2-8(b)(v)(C, F), RCSR, Effects on Public Health & Safety)*

   Open Burning Season. Open burning is allowed from March 1st through August 31st. From September 1st through November 30th call the DEQ ventilation hotline 1-800-225-6779 prior to burning. Open burning is prohibited December 1st through February 28th and when closed by the County via resolution. The only material that can be legally burned is wood waste from trees, shrubs, and plants originating on the property and clean, untreated wood generated on the property. You can review Montana open burning laws at http://deq.mt.gov/dir/legal/Chapters/CH08-06.pdf. *(Section 3-2-8(b)(v)(D, F), RCSR, Effects on Natural Environment and Public Health and Safety)*

   Amendment. Written governing body approval shall be required for amendments to provisions of the covenants that were required to be included as a condition of subdivision approval. *(Section 3-2-8(b)(v), RCSR, Effects on all six criteria)*

3. The subdivider shall include an RSID/SID waiver in a notarized document filed with the subdivision plat that states the following: Owners and their successors-in-interest waive all rights in perpetuity to protest the creation of a city/rural improvement district for any purpose allowed by law, including, a community water system, a community wastewater treatment system, and improving and/or maintaining the roads that access the subdivision including related right-of-way, drainage structures, and traffic control signs. *(Section 3-2-8(b)(v)(C), RCSR, Effects on Local Services)*

4. The subdivider shall provide evidence with the final plat submittal that they have applied for County-issued addresses for each lot within this subdivision. *(Section 3-2-8(b)(v)(C,F), RCSR, Effects on Local Services and Public Health & Safety)*

5. The following statement shall be shown on the final plat: "The All Valley Fire Council, which includes the Three Mile Rural Fire District, has adopted the Fire Protection Standards. All accesses, including driveways to residences over 150' in length, must have a minimum unobstructed travel surface width of 22', a vertical clearance of 13'6" and an all-weather surface that can accommodate the weight of a fire truck. Please contact the Three Mile Rural Fire District for further information". *(Section 3-2-8(b)(v)(C,F), RCSR, Effects on Local Services and Public Health & Safety)*

6. Prior to final plat approval, the subdivider shall provide a letter from the Three Mile Rural Fire District stating that the subdivider has provided the required 1,000 gallon-per-minute water supply or 2,500 gallon-per-lot water storage for fire protection for all lots. Alternatively, the subdivider may provide evidence that a $900 per lot contribution, for the two new lots, has been submitted to the Three Mile Rural Fire District with the final plat submittal in lieu of the required water supply or water storage for fire protection. *(Section 3-2-8(b)(v)(C,F), RCSR, Effects on Local Services and Public Health & Safety)*

7. The final plat shall show a no-ingress/egress restriction along the western boundary of Lot 3 and along the frontage with Ambrose Creek Road, excepting the approved County approach. *(Section 3-2-8(b)(v)(C,F), RCSR, Effects on Local Services and Public Health and Safety)*

8. The subdivider shall negotiate mitigation with the BCC to alleviate identified effects of the subdivision on the Stevensville School District. The subdivider shall ensure that the decided upon mitigation has been implemented prior to final plat approval. *(Section 3-2-8(b)(v)(C), RCSR, Effects on Local Services)*

9. The subdivider shall work with the Stevensville School District to determine whether or not a bus shelter and/or school bus turnout lane or turnaround should be constructed near the intersection of the internal subdivision road and Ambrose Creek Road. The subdivider shall provide evidence that they have worked with the School District prior to final plat approval. If any improvements are required, the subdivider shall complete the improvements prior to final plat approval. *(Section 3-2-8(b)(v)(C, F), RCSR, Effects on Local Services and Public Health & Safety)*

10. The subdivider shall negotiate mitigation with the BCC to alleviate identified effects of the subdivision on Public Safety Services (Sheriff, E-911, DES). The subdivider shall ensure that the decided upon mitigation has been

implemented prior to final plat approval. (*Section 3-2-8(b)(v)(C, F), RCSR, Effects on Local Services and Public Health & Safety*)

11. The internal subdivision road, Ayla Court, shall be labeled as a "public road and utility easement" on the final plat, as shown on the preliminary plat. *(Section 3-2-8(b)(v)(C), RCSR, Effects on Local Services)*

12. The applicant shall provide evidence that they have worked with the Stevensville Post Office to ensure that mail delivery to the subdivision meets the Stevensville Post Office requirements, and that any installation has been approved by the Stevensville Post Office prior to final plat approval. *(Section 3-2-8(b)(v)(C) RCSR, Effects on Local Services)*

13. The following statement shall be shown on the face of the final plat: "If any archaeological, historic, or paleontological sites are discovered during road, utility, or building construction, all work will cease and the State Historic Preservation Office shall be contacted to determine if the find constitutes a cultural resource and if any mitigation or curation is appropriate". (*Section 3-2-8(b)(v)(D), RCSR, Effects on the Natural Environment)*

14. A no-build/alteration zone shall encumber all slopes greater than 25% and shall be shown on the final plat. The final plat shall also include building envelopes on Lots 1 and 2 as shown on the site design and building layout plan associated with the preliminary plat. The building envelopes shall not be encumbered by the no-build/alteration zone. *(Section 3-2-8(b)(v), RCSR, Effects on Public Health and Safety)*

15. The final plat shall provide for an additional ten (10) feet of easement to be dedicated to the County along the entire western portion of Lot 3, as shown on the preliminary plat. *(Section 3-2-8(b)(v)(C), RCSR, Effects on Local Services)*

16. The final plat shall provide for an additional five (5) feet of easement to be dedicated to the County along the entire northern portion of Lots 1, 2 and 3, as shown on the preliminary plat. *(Section 3-2-8(b)(v)(C), RCSR, Effects on Local Services)*

FINAL PLAT REQUIREMENTS (RAVALLI COUNTY SUBDIVISION REGULATIONS)

The following items shall be included in the final plat submittal, as required by the Ravalli County Subdivision Regulations, Section 3-4-4(a) et seq. Those items that are not required of this subdivision have been noted by strikethrough.

1. A statement from the project surveyor or engineer outlining how each final plat requirement or condition of approval has been satisfied shall be submitted with the final plat submittal.

2. One paper and two mylar 18" x 24" or larger copies of the final plat, completed in accordance with the Uniform Standards for Final Subdivisions Plats (ARM 8.94.3003) (One paper copy may be submitted for the first proofing) shall be submitted prior to final plat approval. The final plat shall conform to the preliminary plat decision. The following features, if applicable, are required on the Final Plat:
    (a) Project name
    (b) Title block
    (c) Certificate of registered owner – notarized
    (d) Certificate of registered land surveyor with seal
    (e) Certificate of governing body approval
    (f) Signature block for Clerk and Recorder, preferably in lower right hand corner
    (g) Certificate of public dedication
    (h) Certificate of park cash-in-lieu payment
    (i) Other certifications as appropriate
    (j) North arrow
    (k) Graphic scale
    (l) Legal description
    (m) Property boundaries (bearings, lengths, curve data)
    (n) Pertinent section corners and subdivision corners
    (o) Names of adjoining subdivisions/certificates of survey
    (p) Monuments found
    (q) Witness monuments
    (r) Acreage of subject parcel
    (s) Curve data (radius, arc length, notation of non-tangent curves)
    (t) Line data (lengths to tenths of a foot, angles/bearings to nearest minute)
    (u) Lots and blocks designated by number (dimensions/acreage)
    (v) Easements/rights of ways (location, width, purpose, ownership)
    (w) Dedication for public use (boundaries, area, purpose)
    (x) No-build/alteration zones
    (y) No-ingress/egress zones
    (z) Water resources (rivers, ponds, etc.)
    (aa) Floodplains
    (bb) Irrigation canals including diversion point(s), etc.
    (cc) Existing and new roads (names, ownership, etc.)
3. The original copy of the preliminary plat decision shall be submitted with the final plat submittal.
4. Any variance decisions shall be submitted with the final plat submittal.
5. Copies of extensions of the preliminary plat approval period shall be submitted with the final plat submittal.
6. The final plat review fee shall be submitted with the final plat submittal.
7. ~~A Consent to Plat form, including notarized signatures of all owners of interest, if the developer is not the underlying title holder, shall be submitted with the final plat submittal.~~

8. A Title Report or updated Abstract dated no less than one (1) year prior to the date of submittal shall be submitted with the final plat submittal.
9. The DEQ Certificate of Subdivision Approval or RCEH approval shall be submitted with the final plat submittal.
10. Copy of the General Discharge Permit for Stormwater Associated with Construction Activity from the DEQ shall be submitted with the final plat submittal.
11. The approved Ground Disturbance and Noxious Weed Management Plan for the control of noxious weeds and the re-vegetation of all soils disturbed within the subdivision shall be submitted with the final plat submittal.
12. A copy of the appraisal report, per Section 6-1-7, dated no less than six (6) months from the date of the submittal, for calculating the cash-in-lieu of parkland dedication and a receipt from the County Treasurer's Office for the payment of cash-in-lieu of parkland dedication, shall be submitted with the final plat submittal.
13. An approved Ravalli County Road and Bridge Department approach and encroachment permit shall be submitted with the final plat submittal.
14. Evidence of a Ravalli County-approved road name petition(s) for each new road shall be submitted with the final plat submittal.
15. ~~Engineering plans and specifications for all central water and sewer systems and any other infrastructure improvements requiring engineered plans shall be submitted with the final plat submittal.~~
16. Final Road Plans and Grading and Storm Water Drainage Plan shall be submitted with the final plat submittal.
17. Road certification(s) shall be submitted with the final plat submittal.
18. Utility availability certification(s) shall be submitted with the final plat submittal.
19. Road/common access maintenance agreement(s), signed and notarized, shall be submitted with the final plat submittal.
20. ~~A signed and notarized master irrigation plan, or if one is not required, written and notarized documentation showing how the water rights are to be divided or written and notarized documentation indicating that the water rights will be removed from the property shall be submitted with the final plat submittal.~~
21. ~~A notarized statement from each downstream water user specifically authorizing any alteration, such as installation of culverts, bridges, etc., or relocation of an irrigation ditch shall be submitted with the final plat submittal~~.
22. Protective covenants to be filed with the final plat that are signed and notarized shall be submitted with the final plat submittal.
23. ~~Copies of permits issued by the Bitterroot Conservation District or the US Army Corps of Engineers when construction occurs on environmentally sensitive features shall be submitted with the final plat submittal.~~
24. A copy of the letter sent to the appropriate school district(s) stating the applicant has made or is not willing to make a voluntary contribution to the school district to mitigate impacts of the subdivision on the school district that

are not related to capital facilities; shall be submitted with the final plat submittal.

25. ~~Signed and notarized homeowner association documents, including bylaws, covenants, and/or declarations shall be submitted with the final plat submittal.~~
26. The applicant shall pay the pro rata share of the cost to improve the portion of Ambrose Creek Road leading to the subdivision prior to final plat approval. (Section 5-4-5(d), RCSR)
27. Evidence that improvements have been made in accordance with the conditions of approval and requirements of final plat approval and certified by the subdivider, Professional Engineer, or contractor, as may be appropriate and required, shall be submitted with the final plat submittal. A Professional Engineer's certification shall be required in any instance where engineered plans are required for the improvement. Alternatively, an improvements agreement and guaranty shall be required. (Refer to Section 3-4-2.)
    a. Specific infrastructure improvements potential required for this subdivision are installation of stop signs and road name signs at roadway intersections and the construction of the internal subdivision road, and the installation of a Collection Box Unit (CBU), if required by the Stevensville Post Office.

SUBDIVISION REPORT

COMPLIANCE WITH PREREQUISITES TO APPROVAL

Section 3-2-8(a) of the RCSR states that the BCC shall not approve or conditionally approve a subdivision application and preliminary plat unless it establishes by credible evidence that the proposed subdivision meets the following requirements:

A. Provides easements for the location and installation of any planned utilities.

Findings of Fact

1. Existing utility easements are located along Ambrose Creek Road and along the western boundary of proposed Lot 3. (SSO#3, B12, L1A Subdivision Application)
2. Utility easements will be extended to the subdivision lots via 60-foot public road and utility easement. (SSO#3, B12, L1A Preliminary Plat)

Conclusions of Law

1. Existing and proposed utility easements are required to be shown on the final plat. (Final Plat Requirement 2)
2. The proposed subdivision application provides for utility easements. (Staff Determination)

B. Provides legal and physical access to each parcel within the subdivision and the notation of that access is included on the applicable plat and in any instrument transferring the parcel.

Findings of Fact

1. The subject property gains legal and physical access from Ambrose Creek Road. The proposed lots will be accessed from an internal roadway. (SSO #3, B12, L1A Subdivision File, Ravalli County GIS Data)
2. Ambrose Creek Road is a County-operated roadway. (Exhibit A, RCSR)
3. The internal road, Ayla Court, will provide legal and physical access to all lots within the subdivision via a 60-foot wide public road and utility easement. Legal access will be guaranteed via the required final plat notations. The Road Maintenance Agreement filed with the subdivision will ensure continued physical access. (SSO #3, B12, L1A Cove Preliminary Plat)
4. There are no physical obstructions preventing access to the site. (Staff Site Visit - 10/18/10)

Conclusion of Law

Based on the classifications of the roads providing access to the subdivision, legal and physical access will be provided to all lots within the subdivision. (Staff Determination)

C. Assures that all required public or private improvements will be installed before final plat approval, or that their installation after final plat approval will be guaranteed as provided by Section [3-4-2] of these regulations.

Finding of Fact

Based on recommended conditions and final plat requirements in accordance with Section 3-4-4(a) of the RCSR, Specific infrastructure improvements potential required for this subdivision are installation of stop signs and road name signs at roadway intersections and the construction of the internal subdivision road, and the installation of a Collection Box Unit (CBU), if required by the Stevensville Post Office. (RCSR 3-4-4(a))

Conclusions of Law

1. The applicant is required to submit evidence that the improvements have been made in accordance with the conditions of approval and requirements of final plat approval and certified by the applicant prior to final plat approval (Final Plat Requirements 1 and 27).
2. The final plat requirements or an improvements agreement and guaranty will ensure that all improvements are installed. (Staff Determination)

D. Assures that the requirements of 76-3-504(1)(j), MCA, regarding the disclosure and disposition of water rights as set forth in Chapter 5 have been considered and will be accomplished before the final plat is submitted.

Findings of Fact

1. The average lot size of this subdivision is 1.16 acres. (SSO#3, B12, L1A Preliminary Plat)
2. The subject property has no water rights. (SSO#3, B12, L1A Subdivision Application)

Conclusions of Law

1. 76-3-504(1)(j), MCA states that when a subdivision creates parcels with lot sizes averaging less than 5 acres, the subdivider is required to:
   (a) Reserve all or a portion of the appropriation water rights owned by the owner of the land to be subdivided and transfer the water rights to a single entity for use by landowners within the subdivision who have a legal right to the water and reserve and sever any remaining surface water rights from the land;
   (b) If the land to be subdivided is subject to a contract or interest in a public or private entity formed to provide the use of a water right on the subdivision lots, establish a landowner's water use agreement administered through a single entity that specifies administration and the rights and responsibilities of landowners within the subdivision who have a legal right and access to the water; or
   (c) Reserve and sever all surface water rights from the land.
2. Because the proposal does not have water rights, MCA 76-3-504(1)(j) does not apply. (Staff Determination)

E. Assures that the requirements of 76-3-504(1)(k) MCA, regarding watercourse and irrigation easements as set forth in Chapter 5 have been considered and will be accomplished before the final plat is submitted.

Finding of Fact

There are no existing or proposed irrigation facilities located on the subject property. (SSO#3, B12, L1A Preliminary Plat, Staff Site Visit – 10/18/10)

Conclusions of Law

1. 76-3-504(1)(k) MCA states that, except as provided in subsection (1)(k)(ii) the applicant is required to establish ditch easements in the subdivision that:
   (a) are in locations of appropriate topographic characteristics and sufficient width to allow the physical placement and unobstructed maintenance of open ditches or belowground pipelines for the delivery of water for irrigation to persons and lands legally entitled to the water under an appropriated water right or permit of an irrigation district or other private or public entity formed to provide for the use of the water right on the subdivision lots;
   (b) are a sufficient distance from the centerline of the ditch to allow for construction, repair, maintenance, and inspection of the ditch; and

(c) prohibit the placement of structures or the planting of vegetation other than grass within the ditch easement without the written permission of the ditch owner.

2. Because there are no existing or proposed irrigation facilities located on the subject property, MCA 76-3-504(1)(k) does not apply. (Staff Determination)

F. Provides for the appropriate park dedication or cash-in-lieu, if applicable.

Findings of Fact

1. The parkland dedication requirement is 0.18 acres (SSO#3, B12, L1A Subdivision Application Questionnaire)
2. In a letter dated, July 21, 2010, John Gibney on behalf of the Ravalli County Park Board recommends the Board of County Commissioner accept cash-in-lieu of parkland dedication. (Exhibit A-1)
3. All lots within the subdivision are proposed for residential use. (SSO#3, B12, L1A Subdivision Application)
4. The subdivider has proposed cash-in-lieu of parkland dedication. (SSO#3, B12, L1A Subdivision Application)

Conclusions of Law

1. Parkland dedication or cash-in-lieu is required of subsequent minor subdivisions. (RCSR Section 6-1-5 (b)(1))
2. With the acceptance of cash-in-lieu parkland dedication, the parkland requirement will be met. (Staff Determination)

COMPLIANCE WITH APPLICABLE REGULATIONS

Section 3-2-8(b) of the RCSR states that in approving, conditionally approving, or denying a subdivision application and preliminary plat, the BCC shall ensure the subdivision application meets Section 3-2-8(a) above, and whether the proposed subdivision complies with:

A. These regulations, including, but not limited to, the standards set forth in Chapter 5.

Findings of Fact

1. The lot layout as indicated on the preliminary plat meets the design standards in Chapter 5 of the RCSR. (SSO#3, B12, L1A Preliminary Plat)
2. This development proposal has followed the necessary application procedures and has been reviewed within the procedures provided in Chapter 3 of the Ravalli County Subdivision Regulations. (SSO#3, B12, L1A Subdivision File)

Conclusions of Law

1. The preliminary plat and subdivision application meet all applicable standards required in the RCSR. (Staff Determination)

2. The procedures for the application and review of this proposed subdivision as outlined in Chapter 3 of the RCSR have been followed. (Staff Determination)

B. Applicable zoning regulations.

Findings of Fact

1. The unincorporated areas of Ravalli County are not zoned, excepting Citizen Initiated Zoning Districts. (Ravalli County Clerk & Recorder's Office, Ravalli County GIS Data)
2. The property is not within one of the Citizen Initiated Zoning Districts in Ravalli County. (Subdivision Application Form, Ravalli County Clerk & Recorder's Office, Ravalli County GIS Data)

Conclusion of Law

This subdivision meets all applicable zoning regulations. (Staff Determination)

C. Existing covenants and/or deed restrictions.

Finding of Fact

There are no existing covenants on the property (Subdivision Application Form – Talon's Cove, Ravalli County Clerk & Recorder's Office)

Conclusion of Law:

There are no covenants or deed restrictions that apply to this property. (Staff Determination)

D. Other applicable regulations.

Finding of Fact

1. Following are regulations that may apply to this subdivision:
   (a) Montana Subdivision and Platting Act, Title 76, Chapter 3, MCA
   (b) Montana Sanitation in Subdivisions Act, Title 76, Chapter 4, MCA
   (c) Ravalli County Subsurface Wastewater Treatment and Disposal Regulations
   (d) Montana Standards for Subdivision Storm Drainage (DEQ Circular 8)
   (e) Applicable laws and policies requiring permits related to development (U.S. Army Corps of Engineers, Bitterroot Conservation District, Ravalli County Road & Bridge Department, Montana Department of Transportation, Montana Department of Environmental Quality, etc.)
   (f) The applicants were made aware of the applicable regulations at the pre-application conference held on July 27, 2009. (SSO#3, B12, L1A Subdivision Application)

Conclusions of Law

1. Prior to final plat approval, the applicants are required to submit permits and evidence that they have met all applicable regulations. (Section 3-4-4(a), RCSR)
2. With the requirements of final plat approval, the application will meet all of the applicable regulations. (Staff Determination)

E. The MSPA, including but not limited to an evaluation of the impacts of the subdivision on the following criteria:

CRITERION 1: EFFECTS ON AGRICULTURE

Findings of Fact:

1. The subject parcel is classified for tax purposes as residential rural.(Montana Cadastral Database created by Montana Department of Administration, Information Technology Services Division, Geographic Information Services)
2. The property is adjacent to properties classified as residential and agricultural. (Montana Cadastral Database created by Montana Department of Administration, Information Technology Services Division, Geographic Information Systems)
3. According to the NRCS Web Soil Survey, the southwestern portion of the property, approximately 0.3 acres, is classified as Ambrose creek sandy loam, a farmland of statewide importance. (SSO#3, B12, L1A Subdivision Application, NRCS Web Soil Survey)
4. The applicant submitted a Ravalli County Subdivision Noxious Weed Evaluation Form that stated there was a scattering of spotted knapweed on the subject property. (SSO#3, B12, L1A Subdivision Application)

Conclusions of Law:

1. A subdivision proposal must be reviewed for its impacts on agriculture. (MCA 76-3-608(3), Section 3-2-8(b)(v)(A), RCSR)
2. Any person proposing a development that needs state or local approval and that results in the potential for noxious weed infestation within a weed district shall notify the weed board at least 15 days prior to activity. Consequently, 15 days prior to activities requiring a revegetation plan, such as road construction, a plan shall be submitted to the weed board for approval by the board. (7-22-2152, MCA)
3. The approved Ground Disturbance and Noxious Weed Management Plan is required to be submitted prior to final plat approval. (Final Plat Requirement 11)
4. With the mitigating condition of approval and requirements of final plat approval, the impacts of the subdivision on agriculture will be reduced. (Staff Determination)

Recommended Condition to Mitigate the Effects on Agriculture

- *A notification of proximity to agricultural operations shall be included in the Notifications Document filed with the final plat. (Condition 1)*
- *A noxious weed control provision shall be included in the protective covenants filed with the final plat for this subdivision. (Condition 2)*

CRITERION 2: EFFECTS ON AGRICULTURAL WATER USER FACILITIES

Findings of Fact
1. The property does not have water rights. (SSO#3, B12, L1A Subdivision Application)
2. There are no existing or proposed irrigation facilities on the subject property. (SSO#3, B12, L1A Subdivision Application and Preliminary Plat)

Conclusions of Law:
1. A subdivision proposal must be reviewed for its impacts on agricultural water user facilities. (MCA 76-3-608(3), RCSR Section 3-2-8(b)(v)(B))
2. The subdivision will have no effects on agricultural water user facilities. (Staff Determination)

CRITERION 3: EFFECTS ON LOCAL SERVICES

Findings of Fact:

Fire Department
1. The subdivision is located within the Three Mile Rural Fire District (TMRFD). (SSO#3, B12, L1A Subdivision Application, Ravalli County GIS Data)
2. The TMRFD, as a member of the Ravalli County Fire Council, has adopted Fire Protection Standards, which address access, posting of addresses, and on-site water supply requirements. The Fire Protection Standards also state that in lieu of an on-site water supply, a cash contribution in the amount of $900 per lot is acceptable. (Exhibit A-2)
3. A notification letter was sent to the TMRFD requesting comments on July 12, 2010 and October 14, 2010. The TMRFD did not provide comments specific to this proposal. (SSO#3, B12, L1A Subdivision File)
4. The subdivider is proposing a cash donation in lieu of the required on-site water storage and water supply as outlined within the FPS. (SSO#3, B12, L1A Subdivision Application)

School District
5. The proposed subdivision is located within the Stevensville School District. (SSO#3, B12, L1A Subdivision Application, Ravalli County GIS Data)
6. With this subdivision, it is estimated that approximately one (1) additional school-aged child will be added to the Stevensville School District, assuming an average of 0.5 children per household. (Census 2000)
7. Notification letters were sent to the Stevensville School District requesting comments on July 12, 2010 and October 14, 2010. (SSO#3, B12, L1A Subdivision File)
8. In a letter dated July 19, 2010, Kent Kultgen, Stevensville Schools Superintendent, stated that the Stevensville School District would accommodate any additional students that moved into the District's boundaries, as there are no caps on enrollments. The letter continues to state that the subdivision should provide for a safe pick-up/drop off zone for school bus children and that a $2,558 per lot mitigation fee is requested to help offset the costs of additional students. (Exhibit A-3)
9. County School Superintendent, Ernie Jean, provided the Planning Department the Budget Per Pupil/Tax Levy Per Pupil information for Ravalli County. The budget is based approximately on the previous school years

student enrollment figures and does not anticipate costs associated with the addition of new students. According to the document, the budget per pupil is $9,083.50 for the Stevensville School District (averaging Stevensville High School and Stevensville Elementary) which includes capital needs and funds gathered from federal, state, and local sources. The local tax levy per pupil excluding capital, federal, and state funds would be $2,711.00 for the Stevensville School District (averaging Stevensville High School and Stevensville Elementary). (Exhibit A-4)

10. Taxes from new residents may not be immediately available School Districts. There is currently no known available data on the average amount of time between when additional students from new residences will enroll in the School District and when School Districts receive tax money from the new residences. Because there may be a lag in the time services are provided and taxes are collected, the subdivider should negotiate an adequate form of mitigation with the BCC. (Staff Determination)
11. Based on the currently available Census data (0.5 children per household) and available budget data, the expected taxes per household levied per pupil, excluding capital costs, within the Stevensville High School and Elementary School District would be $1,355.50, which is half of the $2,711.00 tax levy per public excluding capital budget allotment for the Stevensville School District (averaging Stevensville High School and Stevensville Elementary). This amount ($1,355.50) should be taken into consideration as the basis for negotiating an adequate form of mitigation to offset any effects that this subdivision may have on the Stevensville High School and Elementary School Districts. Monetary contributions are not the only acceptable form of mitigation. (Staff Determination)
12. The applicant has offered to donate a voluntary monetary contribution to the Stevensville School District. (SSO#3, B12, L1A Subdivision Application)
13. The County School Superintendent, Ernie Jean, sent a letter to the Ravalli County Commissioners stating that the Ravalli County Educational Transportation Committee has adopted a resolution requesting that the Commissioners establish a requirement that the developers of each subdivision establish a shelter at a bus stop and turnout, or turnaround, if appropriate, at each subdivision entrance that is off a County owned and maintained road. (Exhibit A-5)

Public Safety

14. The Ravalli County Sheriff's Office provides law enforcement services to this area. (SSO#3, B12, L1A Subdivision Application)
15. Notification letters were sent to the Ravalli County Sheriff's Office requesting comments on July 12, 2010 and October 14, 2010, but no comments have been received to date. (SSO#3, B12, L1A Subdivision File)
16. The average number of people per household in Ravalli County is 2.5. At build-out, this subdivision is estimated to add 5 new people to the County. (Census 2000, Staff Determination)
17. Taxes from new residents may not be immediately available to law enforcement services, E-911, Office of Emergency Management (OEM) and Disaster & Emergency Services (DES). There is no available information on

the average amount of time between when public safety services begin to serve a new residence and when public safety services receive tax money from that residence. (Staff Determination)

18. The applicant has offered to donate a $500 per new lot monetary contribution to Public Safety Services. (SSO#3, B12, L1A Subdivision Application)

Roads

19. All new lots within this subdivision are proposed for residential use. It is estimated at build-out that this subdivision could generate a total of 16 new vehicular trips per day, based on a projected average of eight (8) trips per day per resident, as guided by the Institute of Traffic Engineers "Trip Generation Manual". (SSO#3, B12, L1A Subdivision Application)
20. The subject property gains legal and physical access from Ambrose Creek Road, and the internal subdivision road, Ayla Court. (SSO#3, B12, L1APreliminary Plat, Ravalli County GIS Data)
21. Ambrose Creek Road is a County-operated roadway. (Exhibit A, RCSR)
22. Ambrose Creek Road lies within an existing 50-foot public right-of-way. (SSO#3, B12, L1A Preliminary Plat)
23. The internal road, Ayla Court, will provide legal and physical access to all lots within the subdivision via a 60-foot wide public road and utility easement. The road will be constructed to County standards. (SSO#3, B12, L1A Subdivision File)
24. Preliminary road plans were approved for Ayla Court by the Ravalli County Road and Bridge Department on August 26, 2010. (SSO#3, B12, L1A Subdivision File)
25. An existing platted 40-foot public road and utility easement travels north/south along the western boundary of the subdivision. Lots within this subdivision will not be accessed from this existing easement. There is no road in this easement. To preclude vehicular access to this easement, a no-ingress/egress restriction will be required to be shown on the final plat. (SSO#3, B12, L1A Preliminary Plat)
26. RCSR Section 5-4-4(d) requires internal subdivision roadways to be connected to the right-of-way or easement in adjacent platted areas to allow for proper inter-neighborhood traffic circulation. However, the location of the proposed internal subdivision road relative to Ambrose Creek Road and the easement to the west of the property are not beneficial to traffic circulation because of their close proximity and based off the number of lots served. (Staff Determination)
27. The applicant is proposing to dedicate an additional ten (10) feet of road and utility easement along the western portion of Lot 3 and an additional five (5) feet along the northern portion of the property abutting Ambrose Creek Road. (SSO#3, B12, L1A Preliminary Plat)

Ambulance Services

28. Ambulance services will be provided by Marcus Daly Memorial Hospital EMS Department. Marcus Daly Hospital was contacted on July 12, 2010 and October 14,

2010, but no comments have been received to date. (SSO#3, B12, L1A Subdivision File)

Water and Wastewater Districts

29. The applicant is proposing individual wells and individual septic systems to serve the new lots. (SSO#3, B12, L1A Subdivision Application)
30. The Board of Health (BOH) submitted a standard comment letter to be considered for all subdivision proposals on August 17, 2009 (Exhibit A-6). Within the letter, the BOH requests that provisions requiring maintenance of wastewater treatment systems be included as covenants or a notification to landowners.

Solid Waste Services

31. Bitterroot Disposal provides service to this site. (SSO#3, B12, L1A Subdivision Application)
32. Notification letters were sent to Bitterroot Disposal requesting comments on July 12, 2010 and October 14, 2010, but no comments have been received to date. (SSO#3, B12, L1A Subdivision File)

Mail Delivery Services

33. Notification letters were sent to the Hamilton Post Office requesting comments on July 12, 2010 and October 14, 2010, but no comments have been received to date. (SSO#3, B12, L1A Subdivision File)

Utilities

34. Existing utility easements are located along Ambrose Creek Road. (SSO#3, B12, L1A Preliminary Plat)
35. Access to utility easements will be provided to all lots within the subdivision (SSO#3, B12, L1A Preliminary Plat)
36. The proposed subdivision will be served by North Western Energy and Qwest Communications. (SSO#3, B12, L1A Subdivision Application)
37. Notification letters were sent to the utility companies requesting comments on July 12, 2010 and October 14, 2010, but no comments have been received to date. (SSO#3, B12, L1A Subdivision File)

Conclusions of Law:

1. A subdivision proposal must be reviewed for its impacts on local services. (MCA 76-3-608(3), RCSR 3-2-8(b)(v)(C))

Fire District

2. Each lot shall be located within a fire district. (RCSR 5-7-4(a))
3. Because the subject property is located within the Three Mile Rural Fire District, the proposal complies with Section 5-7-4(a), RCSR. (Staff Determination)

School District

4. A copy of the letter sent to the appropriate school district(s) stating the applicant has made or is not willing to make a voluntary contribution to the school district to mitigate impacts of the subdivision on the school district that

are not related to capital facilities; shall be submitted with the final plat submittal. (Final Plat Requirement 24)

5. A governing body may not deny approval of a proposed subdivision based solely on the subdivision's impacts on educational services. (MCA 76-3-608(1))
6. Impact fees can be levied only when a jurisdiction has followed the guidelines and requirements as specified within 7-6-1601, *et seq.*, MCA. The Hamilton School District has not completed an Impact Fee Study nor has the Board of County Commissioners adopted impact fees. (Staff Determination)

Roads

7. A copy of the General Discharge Permit for Stormwater Associated with Construction Activity from DEQ shall be submitted prior to final plat approval, if applicable. (Final Plat Requirement 10)
8. The subdivider shall submit an updated approved approach permit from the Ravalli County Road and Bridge Department prior to final plat approval. (Final Plat Requirement 13)
9. The subdivider shall submit evidence of a Ravalli County-approved road name petition for the new road, which shall be submitted with the final plat submittal. (Final Plat Requirement 14)
10. Final Road Plans and Grading and Storm Water Drainage Plans shall be submitted with the final plat submittal. (Final Plat Requirement 16)
11. Road certification shall be submitted with the final plat submittal. (Final Plat Requirement 17)
12. Road/common access maintenance agreement(s), signed and notarized, shall be submitted with the final plat submittal. (Final Plat Requirement 19)
13. Traffic control signs shall be installed in accordance with the preliminarily approved road plans. (RCSR Section 5-4-10)
14. Road name signs shall be installed at each intersection. (RCSR Section 5-4-11(a))

Water and Wastewater Districts

15. The subdivider has provided minimum necessary information for public review as required by 76-3-622, MCA. (SSO#3, B12, L1A Subdivision File)

Solid Waste Services

10. The method of solid waste disposal shall be specified during preliminary plat review. (RCSR 5-7-2(a))

Mail Delivery Services

11. Where mail delivery will not be provided to each individual lot, the subdivider shall provide an off-road area for central mail delivery within the subdivision (RCSR 5-7-3)

Utilities

12. Existing and proposed utility easements shall be shown on the final plat. (Final Plat Requirement 2)
13. The applicant shall submit utility availability certifications for the following services prior to final plat approval: electric, phone, and gas. (Final Plat Requirement 18)

Overall Finding

14. With the mitigating conditions of approval and requirements of final plat approval, impacts of the subdivision on local services will be reduced. (Staff Determination)

Recommended Conditions to Mitigate the Effects on Local Services

- *The notifications document filed with the final plat shall include a statement notifying lot owners of the no ingress/egress restriction and road maintenance agreement. (Condition 1)*
- *The Covenants Document shall include reference to the Fire Protection Standards, as adopted by the Three Mile Rural Fire District. (Condition 2)*
- *The subdivider shall include an RSID/SID waiver. (Condition 3)*
- *The subdivider shall provide evidence with the final plat submittal that they have applied for County-issued addresses for each lot within this subdivision. (Condition 4)*
- *The following statement shall be shown on the final plat: "The All Valley Fire Council, which includes the Three Mile Rural Fire District, has adopted the Fire Protection Standards. All accesses, including driveways to residences over 150' in length, must have a minimum unobstructed travel surface width of 22', a vertical clearance of 13'6" and an all-weather surface that can accommodate the weight of a fire truck. Please contact the Three Mile Rural Fire District for further information". (Condition 5)*
- *Prior to final plat approval, the subdivider shall provide a letter from the Three Mile Rural Fire District stating that the subdivider has provided the required 1,000 gallon-per-minute water supply or 2,500 gallon-per-lot water storage for fire protection for all lots. Alternatively, the subdivider may provide evidence that a $900 per lot contribution, for the four new lots, has been submitted to the Three Mile Rural Fire District with the final plat submittal in lieu of the required water supply or water storage for fire protection. (Condition 6)*
- *The final plat shall show a no-ingress/egress restriction along the western boundary of Lot 3 and along the frontage with Ambrose Creek Road, excepting the approved County approach. (Condition 7)*
- *The subdivider shall negotiate mitigation with the BCC to alleviate identified effects of the subdivision on the Stevensville School District. The subdivider shall ensure that the decided upon mitigation has been implemented prior to final plat approval. (Condition 8)*
- *The subdivider shall work with the Stevensville School District to determine whether or not a bus shelter and/or school bus turnout lane or turnaround should be constructed near the intersection of Ayla Court and Ambrose Creek Road. The subdivider shall provide evidence that they have worked with the School District prior to final plat approval. If any improvements are required, the subdivider shall complete the improvements prior to final plat approval. (Condition 9)*
- *The subdivider shall negotiate mitigation with the BCC to alleviate identified effects of the subdivision on Public Safety Services (Sheriff, E-911, DES). The subdivider shall ensure that the decided upon mitigation has been implemented prior to final plat approval. (Condition 10)*

- *The internal subdivision road, Ayla Court, shall be labeled as a "public road and utility easement" on the final plat, as shown on the preliminary plat. (Condition 11)*
- *The applicant shall provide evidence that they have worked with the Stevensville Post Office to ensure that mail delivery to the subdivision meets the Stevensville Post Office requirements, and that any installation has been approved by the Stevensville Post Office prior to final plat approval. (Condition 12)*
- *The final plat shall show an additional ten (10) feet of easement along Lot 3 and an additional five (5) feet of easement along Ambrose Creek Road. (Conditions 15 and 16)*

CRITERION 4: EFFECTS ON NATURAL ENVIRONMENT

Findings of Fact:

Surface Water Feature

1. Iron Cap Creek is located approximately 500 feet to the south of the subject property. Since Iron Cap Creek does not drain an area of 15 square miles or greater, no floodplain analysis was required. (SSO#3, B12, L1A Preliminary Plat, Site Visit, Ravalli County GIS Data)

Ground Water Quality

2. The subdivider is proposing individual wells and wastewater treatment facilities. (SSO#3, B12, L1A Subdivision Application)
3. The subdivider submitted water and sanitation information per MCA 76-3-622. The Ravalli County Environmental Health Department provided documentation indicating that they have received adequate information for local subdivision review to occur. (SSO#3, B12, L1A Subdivision Application)
4. The Board of Health (BOH) submitted a standard comment letter to be considered for all subdivision proposals on August 17, 2009 (Exhibit A-6). Within the letter, the BOH requests that provisions requiring maintenance of wastewater treatment systems be included as covenants or a notification to landowners.

Light Pollution

5. The addition of homes in an area that currently has lower density development has the potential to create light pollution. Sky glow, glare, light trespass into neighbor's homes, and energy waste are some of the components of light pollution. (International Dark-Sky Association)

Air Quality

6. This proposed subdivision will add two new homes to an area of existing medium density development northeast of Stevensville. (SSO#3, B12, L1A Subdivision Application)
7. The Montana Department of Environmental Quality (DEQ) has reviewed the PM2.5 (particulate matter ≤ 2.5 micron) data collected in 2007 and incorporated it into the PM2.5 dataset from the previous years (2004-2006). As part of that analysis, DEQ identified several communities that

continue to experience poor air quality during certain time periods each year. Those communities are located in the following counties: Lincoln, Missoula, Silver Bow, Ravalli, Gallatin, Lewis & Clark, Flathead, Sanders, Yellowstone and Cascade.

8. Sources of particulate from this subdivision could include vehicles and wood-burning stoves. (Staff Determination)
9. The Board of Health (BOH) submitted a standard comment letter to be considered for all subdivision proposals on August 17, 2009 (Exhibit A-6). Within the letter, the BOH requests that wood burning stoves meet EPA rated low emission standards and that new lot owners are notified of the rules associated with open burning.

Vegetation

10. The applicant submitted a Ravalli County Subdivision Noxious Weed Evaluation Form that stated spotted knapweed was scattered across the property. (SSO#3, B12, L1A Subdivision Application)
11. Information obtained from the Montana Natural Heritage Program indicated that there are no plant species of concern found in the same section as the subject property. (SSO#3, B12, L1A Subdivision Application)

Historical/Archeological Sites

12. There are no known sites of historical significance on the property. (SSO#3, B12, L1A Subdivision Application)

Conclusions of Law:

1. A subdivision proposal must be reviewed for its impacts on the natural environment. (MCA 76-3-608(3), RCSR 3-2-8(b)(v)(D))

Ground Water Quality

2. The initial RCEH submittal indicates that the site should be suitable for the proposed wells and septic systems. This will be verified with the submittal of the DEQ Certificate of Subdivision Approval that is required to be submitted prior to final plat approval. (Staff Determination and Final Plat Requirement 9)

Air Quality

3. Open burning season is administered and enforced by the MDEQ and is allowed between March 1st and August 31st. (ARM 17.8.606)

Vegetation

4. Any person proposing a development that needs state or local approval and that results in the potential for noxious weed infestation within a weed district shall notify the weed board at least 15 days prior to activity. Consequently, 15 days prior to activities requiring a revegetation plan, such as road construction, a plan shall be submitted to the weed board for approval by the board. (MCA 7-22-2152)

5. The approved Ground Disturbance and Noxious Weed Management Plan for the control of noxious weeds and the re-vegetation of all soils disturbed within the subdivision. (Final Plat Requirement 11)

Overall Finding

6. Impacts from this subdivision on the natural environment will be reduced with the mitigating conditions and requirements of final plat approval. (Staff Determination)

Recommended Condition to Mitigate the Effects on Natural Environment)

- *The notifications document shall include a recommendation that EPA-certified wood stoves should be installed to reduce air pollution and that wood burning stoves should not be used as the primary heat source, recommend full cut-off lighting on new construction, and recommended maintenance schedules for wastewater treatment systems. (Condition 1)*
- *A noxious weed control provision and information regarding open burning season timeframes shall be included in the protective covenants filed with the final plat for this subdivision. (Condition 2)*
- *The following statement shall be shown on the face of the final plat: "If any archaeological, historic, or paleontological sites are discovered during road, utility, or building construction, all work will cease and the State Historic Preservation Office shall be contacted to determine if the find constitutes a cultural resource and if any mitigation or curation is appropriate". (Condition 13)*

CRITERION 5: EFFECTS ON WILDLIFE

Findings of Fact:

17. In a letter received August 16, 2010, FWP stated that this property has an elevated probability of human/wildlife conflict and recommended including "living with wildlife" covenants. (Exhibit A-7)
18. According to the Montana Natural Heritage Program, the Bobolink, Lewis's Woodpecker and Gray Wolf were identified as species of concern that have been known to exist in the same section as the proposed subdivision. (SSO#3, B12, L1A Subdivision Application)
19. The subject property has already been developed. (Staff Site Visit – 10/18/10)
20. The subdivider requested and received a waiver from the Planning Department on September 14, 2010, from the requirement to submit a sensitive species report because of lack of habitat on the property for all identified species. (SSO#3, B12, L1A Subdivision File)

Conclusions of Law:

1. A subdivision proposal must be reviewed for its impacts on wildlife. (MCA 76-3-608(3), RCSR Section 3-2-8(b)(v)(E))
2. Based on the information provided in reference to the identified species of concern and the subsequent waiving of the requirement to submit a Sensitive Species Report and the recommended mitigating condition of approval, impacts on wildlife will be reduced. (Staff Determination)

Recommended Condition to Mitigate the Effects on Wildlife

- *The notifications document shall include recommendations for "Living with Wildlife". (Condition 1)*

CRITERION 6: EFFECTS ON WILDLIFE HABITAT

Findings of Fact:

The property is not located in mapped elk or mule deer winter range. (Ravalli County GIS Data)

According to the Montana Natural Heritage Program, the Bobolink, Lewis's Woodpecker and Gray Wolf were identified as species of concern that have been known to exist in the same section as the proposed subdivision. (SSO#3, B12, L1A Subdivision Application)

The subject property has already been developed. (Staff Site Visit – 10/18/10)

The subdivider requested and received a waiver from the Planning Department on September 14, 2010, from the requirement to submit a sensitive species report because of lack of habitat on the property for all identified species. (SSO#3, B12, L1A Subdivision File)

Conclusions of Law:

1. A subdivision proposal must be reviewed for its impacts on wildlife habitat. (MCA 76-3-608(3), RCSR Section 3-2-8(b)(v)(E))
2. Based on the information provided in reference to the identified species of concern and the subsequent waiving of the requirement to submit a Sensitive Species Report and the recommended mitigating condition of approval, impacts on wildlife habitat will be reduced. (Staff Determination)

Recommended Condition to Mitigate the Effects on Wildlife Habitat

- *The notifications document shall include recommendations for "Living with Wildlife". (Condition 1)*

CRITERION 7: EFFECTS ON PUBLIC HEALTH & SAFETY

Findings of Fact:

Traffic Safety (Vehicular and Pedestrian)

1. The property will be accessed via Ambrose Creek Road and the internal road, Ayla Court. (SSO#3, B12, L1A Preliminary Plat, Ravalli County GIS)
2. The preliminary plat shows the location of the proposed stop and road name sign.
3. The preliminary road plans were approved August 26, 2010 by the RCRBD. (SSO#3, B12, L1A Subdivision File)

Emergency Vehicle Access and Response Time

4. The proposed subdivision will be served by the Three Mile Rural Fire District, the Ravalli County Sheriff's Office, Ravalli County E-911, Ravalli County Office of Emergency Services, and Marcus Daly Memorial Hospital EMS Department. (SSO#3, B12, L1A Subdivision File)

Water and Wastewater

5. The subdivider is proposing individual wells and wastewater facilities. The subdivider submitted water and sanitation information per MCA 76-3-622. The Ravalli County Environmental Health Department provided documentation indicating that they have

received adequate information for local subdivision review to occur. (SSO#3, B12, L1A Subdivision Application)

6. The Board of Health (BOH) submitted a standard comment letter to be considered for all subdivision proposals on August 17, 2009 (Exhibit A-6). Within the letter, the BOH requests that provisions requiring maintenance of wastewater treatment systems be included as covenants or a notification to landowners.

Natural and Man-Made Hazards

7. There are portions of the property within the subdivision with slopes in excess of 25%. The applicant provided a site design and building layout plan to address slope considerations. (Staff Site Visit – 10/18/10 and Exhibit A-8)
8. According to a document titled "Radon and You, Promoting Public Awareness of Radon
in Montana's Air and Ground Water" published by DEQ and the Montana Bureau of Mines and Geology, there is a high potential for radon in Ravalli County. (DEQ)
9. The addition of two new residential homes in an area that currently has low density development has the potential to create light pollution. Sky glow, glare, light trespass into neighbor's homes, and energy waste are some of the components of light pollution. (International Dark-Sky Association)
10. The Board of Health (BOH) submitted a standard comment letter to be considered for all subdivision proposals on August 17, 2009 (Exhibit A-6). Within the letter, the BOH requested that a covenant or notification to future landowners be included outlining the provisions associated with junk vehicle regulations and open burning season.

Conclusions of Law:

1. A subdivision proposal must be reviewed for its impacts on public health and safety. (MCA 76-3-608(3), RCSR Section 3-2-8(b)(v)(F))

Traffic Safety (Vehicular and Pedestrian)

2. The requirements listed under Roads in Criterion 3 (Effects on Local Services) will mitigate the impacts of the subdivision on traffic and pedestrian safety. (Staff Determination)

Emergency Vehicle Response Time

3. In accordance with Ravalli County Subdivision Regulation Design Standards and Stevensville Rural Fire Department "Fire Protection Standards", all roads and driveways providing access to and within the proposed subdivision will meet County and Fire District standards which will ensure adequate emergency vehicle access. (Staff Determination)

Water and Wastewater

4. In accompaniment to the preliminary plat submittal, the subdivider is required to submit water and sanitation information in accordance with the requirements outlined within MCA 76-3-622(2).
5. The subdivider is required to submit a DEQ Certificate of Subdivision Approval prior to final plat approval. (Final Plat Requirement 9)

Natural and Man-Made Hazards

6. Slopes more than 25% are unsuitable for building sites and shall be designated as a no-build/alteration zone on the face of the final plat, unless a site design and building layout plan is submitted to address site constraints. (Section 5-2-2(a)(11), RCSR)

Overall Finding

7. With the mitigating conditions of approval and requirements of final plat approval, impacts on Public Health & Safety will be reduced. (Staff Determination)

Recommended Conditions to Mitigate the Effects on Public Health & Safety

- *The Notifications Document shall include notifications of the location of no-ingress/egress zones, location of no-build/alteration zones, the potential presence of radon, and a recommendation to install full cut-off lighting. (Condition 1)*
- *The Covenants Document shall include reference to the Fire Protection Standards, as adopted by the Three Mile Rural Fire District, information on open burning season timeframes, and information regarding junk vehicle laws. (Condition 2)*
- *The subdivider shall provide evidence with the final plat submittal that they have applied for County-issued addresses for each lot within this subdivision. (Condition 4)*
- *The following statement shall be shown on the final plat: "The All Valley Fire Council, which includes the Three Mile Rural Fire District, has adopted the Fire Protection Standards. All accesses, including driveways to residences over 150' in length, must have a minimum unobstructed travel surface width of 22', a vertical clearance of 13'6" and an all-weather surface that can accommodate the weight of a fire truck. Please contact the Three Mile Rural Fire District for further information". (Condition 5)*
- *Prior to final plat approval, the subdivider shall provide a letter from the Three Mile Rural Fire District stating that the subdivider has provided the required 1,000 gallon-per-minute water supply or 2,500 gallon-per-lot water storage for fire protection for all lots. Alternatively, the subdivider may provide evidence that a $900 per lot contribution, for the four new lots, has been submitted to the Three Mile Rural Fire District with the final plat submittal in lieu of the required water supply or water storage for fire protection. (Condition 6)*
- *The final plat shall show a no-ingress/egress restriction along the western boundary of Lot 3 and along the frontage with Ambrose Creek Road, excepting the approved County approach. (Condition 7)*
- *The subdivider shall work with the Stevensville School District to determine whether or not a bus shelter and/or school bus turnout lane or turnaround should be constructed near the intersection of Ayla Court and Ambrose Creek Road. The subdivider shall provide evidence that they have worked with the School District prior to final plat approval. If any improvements are required, the subdivider shall complete the improvements prior to final plat approval. (Condition 9)*
- *The subdivider shall negotiate mitigation with the BCC to alleviate identified effects of the subdivision on Public Safety Services (Sheriff, E-911, DES). The subdivider shall ensure that the decided upon mitigation has been implemented prior to final plat approval. (Condition 10)*

- *A no-build/alteration zone shall encumber all slopes greater than 25% and shall be shown on the final plat. The final plat shall also include building envelopes on Lots 1 and 2. The building envelopes shall not be encumbered by the no-build/alteration zone. (Condition 14)*

Commissioner Iman opened public comment.

Gordon Sorenson stated this is a small subdivision located off of Ambrose Creek Road in Stevensville. He presented letters from Stevensville School District and the Post Office. Stevensville School District does not want a bus turnout or a shelter. (See Attached). Gordon stated although the soil is categorized as prime soil if irrigated, it is not irrigated and therefore offer no mitigation for loss of agricultural land. He offered $900 per new lot for Three Mile Fire District, pro rata for the road will be contributed, and $500 per new lot for the school district. No other mitigation was offered for public safety or general services. Discussion followed regarding the formula for calculating the cost per student for the school districts. Gordon discussed item number 10 on the final plat requirements since it will be one internal roadway with the Board.

Commissioner Iman closed public comment and opened board deliberation.

Tristan requested Board consensus for sufficiency for the prerequisites and applicable subdivision regulations. **Commissioner Chilcott made a motion to find the subdivision application complete with prerequisites for A-F and accepts the findings of fact and conclusions of law. Commissioner Foss seconded the motion and all voted "aye".**

Criteria One: Effects on Agriculture: Commissioner Iman confirmed the property is not irrigated and does not have any water rights. Gordon confirmed there is a weed plan. **All voted sufficiently mitigated. (4-0)**

Criteria Two: Effects on Agricultural Water Users: **All voted sufficiently mitigated. (4-0)**

Criteria Three: Effects on Local Services: Commissioner Iman reviewed the offered mitigation for the fire district of $900 per new lot. **The Board agreed with the offered mitigation for Three Mile Fire District at $900 per new lot for a total of $1,800 as sufficiently mitigated. (4-0)**

Tristan stated the school district is not requesting a bus turnout or shelter. Discussion followed for the recommended mitigation for the school district. The developer has offered $500 per new lot for the Stevensville School District. Gordon explained due to the turn of the economy, there is no guarantee that these lots will sell at what they would have 5 years ago. His client offered $500 per new lot for a total of $1,000. Commissioner Chilcott noted mitigation has been offered other than cash in the past. There is a certain responsibility to the existingtaxpayers to provide services and the impact of those new services should not be on the shoulders of the taxpayers. Gordon argued the cost of the

service compared to one to two children impacting those services. Kevin Schultz stated he has done some excavating services at the school. He could donate excavating services in lieu of school contribution. Commissioner Chilcott agreed with the offered service and stated that Kevin would need to provide a letter from the school that the service would be acceptable. The Board concurred with a letter proving the acceptance of the offered services in lieu of monetary contribution suggested at $2,558. Tristan stated Condition 8 can be crafted for tracking purposes. Gordon suggested including the offered $1,000 within the offer of services and if not, it could be payable upon sale of first lot. Tristan stated payable upon first conveyance has been discouraged due to tracking purposes. Commissioner Iman stated it can be listed as a lien on the lot until it is sold. Discussion followed regarding payable upon first conveyance. **Kevin Schultz agreed to negotiate with the school for services in lieu of $2,558 total (for two lots) and if not, to pay the $2,558 upon first conveyance. All voted sufficiently mitigated. (4-0)**

Commissioner Iman stated the offered mitigation for public safety services is $500. Gordon clarified the offered mitigation is $0. Commissioner Foss stated there is more impact to public safety services than any other services with new infrastructure. It is the most essential service offered in the valley. She noted for the record that she is anti-mitigation fee however, she does have to consider the impact to the County. Discussion followed regarding the lag time of the utilization of services to when funds for those services are collected by the Department of Revenue. **Kevin offered $250 per new lot for a total of $500 for the impacts to public safety payable upon final plat. All voted sufficiently mitigated. (4-0)**

All voted sufficiently mitigated for roads. (4-0)

All voted sufficiently mitigated for ambulance services . (4-0)

All voted sufficiently mitigated for solid waste services. (4-0)

All voted sufficiently mitigated for overall impacts to Local Services with the amendments to Condition 8 and 10. (4-0)

Criteria Four: Effects on Natural Environment: All voted sufficiently mitigated. (4-0)

Criteria Five: Effects on Wildlife: All voted sufficiently mitigated. (4-0)

Criteria Six: Effects on Wildlife Habitat: All voted sufficiently mitigated. (4-0)

Criteria Seven: Effects on Public Health and Safety: Tristan discussed the slope being of concern. Commissioner Iman asked what is being saved with a daylight basement on the slope. Tristan stated the issue is to call the area a no build zone and not a no build/no alteration zone. Tristan suggested tweaking Condition 14 in Exhibit A-8. Gordon stated he would like to have the property landscaped. Commissioner Chilcott suggested capturing the entirety of the slope with both a building and landscaping envelopes.

Tristan stated there is specific language needed to show the zones on the plat. **Commissioner Iman suggested removing the no build/no alteration zone from the map and replace it with no build zone outside the building envelope and all landscaping zone. The Board concurred.**

All voted sufficiently mitigated with changes to Condition 14. (4-0)

Commissioner Chilcott made a motion that the Sunnyside Orchards No. 3, Block 12, Lot 1A, AP, Subsequent Minor Subdivision be approved, based on the findings of fact and conclusions of law as amended in the subdivision report and subject to the conditions in the staff report and as amended here today. Commissioner Stoltz seconded the motion and all voted "aye". (4-0)

2/14/11 Attachment

Stevensville Public Schools

Superintendent
Kent Kultgen
Ext. 138

300 Park Avenue
Stevensville, MT 59870
Phone: 406-777-5481
Fax: 406-777-1381

Clerk/Business
Manager
Bill Schiele
Ext. 139

December, 2 2010

Gordon Sorenson
Gordon Sorenson Engineering
2610 Gunsight Court
Missoula, MT 59804

Dear Gordon:

As per our conversation of December 2, we are requesting that the Amended Plat of Lot 1A of AP 444, a subdivision be required to accommodate the Stevensville School as a part of the conditions of approval. The accommodation will be as follows;

At this time we are requesting that a bus shelter not be erected next to the subject subdivision. We are also requesting that there not be any type of bus turnout included with this subdivision. The Stevensville Transportation Department chooses to stop traffic whenever possible.

Please keep in mind our district policy is not to take school buses on non-county or state maintained roads.

In addition, Gordon, since Amended Plat of Lot 1A of AP 444 is outside the three-mile limit (distance from Stevensville Public Schools), we have already established a bus stop at Tripp Lane and Ambrose Creek Road and would like to continue to use this stop to service this subdivision.

This letter addresses only school transportation. There may be other requirements from the Stevensville school district.

Thanks for the opportunity to cooperate with you on this subdivision. Be sure to call if there are any questions.

Sincerely,

Paul Ludington

Paul Ludington
Transportation Supervisor
777-5646

UNITED STATES
POSTAL SERVICE

December 7, 2010

Gordon Sorenson Engineering
2610 Gunsight Court
Missoula, MT 59804

To Whom It May Concern:

Concerning mail delivery to the two new properties adjacent to 607 Ambrose Creek Road; at this time it is not necessary for the subdivider to provide a CBU unit for mail delivery. Individual mail boxes on the street next to the current deliveries will be adequate.

If you have any questions about this matter, please feel free to contact me.

Sincerely,

Mary M Smith, Postmaster
Stevensville Post Office
701 Main St
Stevensville, MT 59870
406-777-5812
406-777-1061 Fax

FAX: