

COMMISSIONERS APPROVAL

IMAN 

CHILCOTT 

FOSS 

KANENWISHER 

STOLTZ 

PLETTENBERG (Clerk & Recorder)

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

Date.....June 30, 2011

► Minutes: Glenda Wiles

► The Board met at 8:35 a.m. for various administrative matters as follows:

► Western Montana Mental Health is asking for State and Federal monies (intergovernmental transfer for Medicaid rates for services that Western Montana Mental Health provides) in the amount of \$24,994.00. **Commissioner Chilcott made a motion to pay today's claim in the amount of \$15,006.00 and to sign the contract with the State which allows for the intergovernmental transfer of these Medicaid services to Western Montana Mental Health. Commissioner Foss seconded the motion and all voted "aye".**

► Approval of the 2012 Special County & Reservation Noxious Weed Grant in the amount of \$7,500: Present was Weed Supervisor Kellieann Morris. Kellieann noted the County has received this grant in years past from the Montana Department of Agriculture. If approved by the Department of Agriculture, she will utilize the grant dollars for special management zones of Leafy Spurge. **Commissioner Foss made a motion to approve of this grant application. Commissioner Chilcott seconded the motion. Discussion: Cost share is 50/50 with land owners and all zones in the county are eligible. Therefore there are no County costs in this grant other than administrative. All voted "aye".**

► Health Insurance for an Economic Development (EDA) Employee: **Commissioner Kanenwisher made a motion to pay the County portion of Health Care benefits to an employee for FY 2012 in the amount of \$7,250.00. Commissioner Chilcott seconded the motion and all voted "aye".**

► Minutes: Beth Perkins

► The Board met for a public hearing for FlatIron Major Subdivision at 9:00 a.m. Present were Planner Tristan Riddell, Planning Administrator Terry Nelson, Territorial Landworks Representatives Jason Rice, Paul Forsting, and Andrea Day, Traffic Engineering Consultant

Michael Sanderson, PCI Representative Matt Smith, Road and Bridge Supervisor David Ohnstad, Environmental Health Director Lea Guthrie, Civil Counsel Dan Browder, Civil Counsel Geoff Mahar and several citizens.

Commissioner Iman opened the public hearing. He announced there will be an opportunity for public comment via WebX and video on the first floor for those who cannot fit into this room. Commissioner Iman requested any additions or changes to the agenda be addressed. Tristan presented the Board with public comment to include two new items submitted this morning. Commissioner Iman requested any conflicts of interest be disclosed. Commissioner Chilcott received a phone call from Gabe Leonardi with questions regarding groundwater and directed him to Planning. Commissioner Kanenwisher stated he does not have a conflict of interest. There was an allegation made to the County Attorney's Office of a possible conflict of interest due to his family's business and the County Attorney's Office investigated the claim and found no conflict. Commissioner Chilcott then requested the Planning Staff Report be read.

Tristan presented the Staff Report as follows:

**FLATIRON RANCH (FLATIRON RANCH, LLC)  
FIVE-HUNDRED FIFTY ONE (551) RESIDENTIAL UNIT & FOUR (4) LOT  
COMMERCIAL MAJOR SUBDIVISION**

**STAFF REPORT FOR BOARD OF COUNTY COMMISSIONERS**

**CASE PLANNER:** Current: Tristan Riddell, Senior Planner  
Previous: Jeremy Fadness, WWC Contract Planner

**PUBLIC HEARINGS/  
MEETINGS:** Planning Board Public Meeting 7:00 p.m. June 8, 2011  
BCC Public Hearing: 9:00 a.m. June 30, 2011  
Deadline for BCC action: July 29, 2011  
(80 working days plus approved applicant extension requests)

**APPLICANT:** Flatiron Ranch, LLC  
P.O. Box 13083  
Scottsdale, AZ 85267

**LANDOWNERS:** Harold Mildenberger  
Bradley Mildenberger  
Mildenberger Properties, LLC  
Lowell Olin

**REPRESENTATIVE:** Territorial-Landworks, Inc.  
PO Box 3851  
Missoula, MT 59806

**LOCATION OF REQUEST:** The property is located southeast of Hamilton off of Golf Course Road. (See Map 1, below)

**LEGAL DESCRIPTION OF PROPERTY:** Parcel numbers 610138, 610139, 610109, 610108, 610140, 610112, 610113, 610104, 610103, 610102, 610101, 610107, 610106, 610105, 610110, 610111, 610210, more particularly described as tracts of land located in the SE ¼ SEC. 29, NE ¼ SEC. 32, SEC. 33 T6N, R20W, P.M.M., Ravalli County, Montana.

**APPLICATION INFORMATION:** The subdivision application was deemed complete on October 8, 2010. Agencies were notified of the subdivision and comments received by the Planning Department not included in the application packet are included as Exhibits A-1 through A-19 of the staff report. **This subdivision is being reviewed under the subdivision regulations amended May 24, 2007.**

**LEGAL NOTIFICATION:** Legal advertisements were published in the *Bitterroot Star* on Wednesday, December 22, 2010 and Wednesday, June 8, 2011. Additionally, the legal ad was published in the *Ravalli Republic* on Tuesday, June 7, 2011. Notice of the project was posted on the property and adjacent property owners were notified by regular mail postmarked November 15, 2010 and May 24, 2011. **Public Comments are included as Exhibits B-1 through B-22.**

**DEVELOPMENT PATTERN:**

Subject property:	Agricultural
North:	Rural Residential/Agricultural
South:	Rural Residential/Agricultural/Golf Course
East:	Agricultural
West:	Agricultural



**Map 1: Location Map**  
 (Source Data: Ravalli County GIS and Planning Departments)

**INTRODUCTION & EXECUTIVE SUMMARY**

The Flatiron Ranch Major subdivision is a three hundred and ninety-six (396) lot major subdivision proposed on 451.79 acres. Three hundred and eighty-nine (389) of those lots are proposed for single-family residential use, three (3) of those lots are proposed for condominiums, and four (4) lots are proposed for commercial use. The three lots proposed for condominiums would provide for a total of 162 residential living units. Cumulatively, 551 residential living units are proposed along with four commercial lots. Over 117 acres are proposed to be set aside as open space and common areas.

All lots will be served by an on-site community wastewater treatment system and an on-site community water supply system. There are no variance requests accompanying this proposal.

The project is proposed to be filed in fifteen (15) separate phases over the course of thirty (30) years. While it is challenging and time consuming to review a subdivision of this size and scale, phasing allows for, on the one hand, the cumulative analysis of all potentially significant adverse impacts of the entire subdivision on the seven criteria

while, on the other hand, providing flexibility to the developer to time when lots and units will reach the market.

Ravalli County does not have a lengthy history evaluating proposed subdivisions of this size and scope. However, like all subdivisions, the Planning Department, Planning Board, and the Board of County Commissioners must review this subdivision against seven primary review criteria, as mandated by State Law. The seven primary review criteria are discussed in detail in this report. During this review, potentially significant adverse impacts on the seven primary review criteria are typically identified, and those identified impacts must be eliminated, overcome or mitigated.

Each developer necessarily takes a risk when proposing a subdivision. One must weigh the conditions of the market against hoped-for returns in deciding whether or not to pursue land division. Compounding this equation is now a nation-wide economic downturn and housing crisis that Ravalli County has not escaped. While some may question a developer's motives in proposing to develop hundreds of new residential units during a time of economic uncertainty, the questions posed and criteria evaluated during subdivision review do not question the merits of an individual developer's decision to move a project forward.

**RAVALLI COUNTY BOARD OF COUNTY COMMISSIONERS  
JUNE 30, 2011**

**FLATIRON RANCH (FLATIRON RANCH, LLC)  
FIVE-HUNDRED FIFTY ONE (551) RESIDENTIAL UNIT & FOUR (4) LOT  
COMMERCIAL MAJOR SUBDIVISION**

**PLANNING STAFF RECOMMENDED MOTION**

That the proposed phasing plan be accepted and the Flatiron Ranch Major Subdivision be ***conditionally approved***, based on the findings of fact and conclusions of law in this staff report and subject to the conditions and final plat requirements in this staff report.

**RECOMMENDED MITIGATING CONDITIONS OF APPROVAL FOR ALL PHASES**

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

***Notification of Irrigation Facilities and Easements.*** Within this subdivision there are irrigation easements, as shown on the final plat of each phase. All downstream water right holders have the right to maintain and repair their irrigation facilities whenever necessary to keep them in good condition. Activities associated with the maintenance of irrigation facilities may include the operation of heavy equipment, the occasional burning of ditch vegetation, and the use of herbicides. Downstream water right holders must approve any relocation or alteration (e.g. installation of a culvert) of irrigation ditches/pipelines. Any act that damages or destroys an irrigation ditch, interferes with its operation or maintenance in any way, or restricts access to the

ditch so as to interfere with its maintenance, including but not limited to the placement of structures or the planting of vegetation other than grass, is expressly prohibited. *(Section 3-2-8(b), Prerequisites to Approval and Section 3-2-8(b)(v)(B), RCSR, Effects on Agricultural Water User Facilities)*

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

**Notification of Storm Water Drainage Facilities.** Within this subdivision there are storm water drainage facilities intended to capture and channel storm water runoff. No structures may be placed within these facilities that are not needed for stormwater management. *(Section 3-2-8(b)(v)(D), RCSR, Effects on Natural Environment)*

**Notification of No-Build/Alteration Zones.** Within this subdivision there are areas designated as no-build/alteration zones to prevent construction on steep slopes and within areas that may be subject to flooding. No new structure, with the exception of fences, may be constructed in these areas and the vegetation shall be retained in its natural condition. *(Section 3-2-8(b)(v)(D), RCSR, Effects on Natural Environment)*

**Notification of Irrigation Water Shares.** The property is located within the Daly Ditches Irrigation District and therefore is required to pay irrigation district fees as part of the individual property taxes. Fees are assessed based on the size of the lot. Water shares are allocated and administered through the Daly Ditches Irrigation District. *(76-3-504(1)(k)(ii), MCA)*

**Notification of Road Maintenance Agreement.** Ravalli County, the State of Montana, or any other governmental entity does not maintain the internal subdivision roads and therefore does not assume any liability for improper maintenance or the lack thereof. A Road Maintenance Agreement for these roads 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 Limitation of Access onto a Public Road.** A "no-ingress/egress" restriction exists along the Golf Course Road frontage and along the emergency access road that connects Getalong Trail with Tammany Lane, excepting the two (2) public approaches that provide access to all lots within the development. All lots within this subdivision shall access off the internal subdivision roads. This limitation of access may be lifted or amended only with the approval of the Ravalli County Board of County Commissioners. *(Section 3-2-8(b)(v)(C F), RCSR, Effects on Local Services and Public Health and Safety)*

**Notification of Open Burning Season.** Open burning is allowed from March 1<sup>st</sup> through August 31<sup>st</sup>. From September 1<sup>st</sup> through November 30<sup>th</sup> call the DEQ ventilation hotline at 1-800-225-6779 prior to burning. Open burning is prohibited December 1<sup>st</sup> through February 28<sup>th</sup>. 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*)

**Notification of Lighting for New Construction.** To promote public health and safety, reduce energy consumption, and reduce impacts to nocturnal wildlife, 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](http://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-5 of this staff report for required provisions. (*Section 3-2-8(b)(v)(A, E), RCSR, Effects on Wildlife, and Wildlife Habitat*)

**Notification of Severe Soils.** Within this subdivision there are areas of the property identified as potentially having soils rated as severe for roads and building sites. The approximate locations of these areas can be found on a reduced copy of the final plat, and descriptions of the severe soils are included as exhibits to this document. (The applicant shall include the exhibits as attachments) (*Section 3-2-8(b)(v)(F), RCSR, Effects on Public Health and 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*)

**Notification Regarding 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*)

**Notification of Proximity to Hamilton Airport.** The subdivision is located within the Hamilton Airport Influence Area. A map of the airport influence area and specific building height restrictions for lots located within the influence area are included as exhibits to this document (the applicant shall include the exhibit as well as height restrictions as an attachment). The FAA stated that the proposed subdivision and residences lie with the 6S5 traffic pattern and may be subject to overhead aircraft noise on a regular basis. They suggest the applicant coordinate with the Ravalli County Airport Authority to acquire property disclosure statements or aviation

easements to protect the airport environment in accordance with Federal Grant Assurances. Please be advised that traffic patterns are subject to change. (*Section 3-2-8(b)(v)(F), RCSR, Effects on Public Health and Safety*)

2. Protective covenants for the entire subdivision shall be submitted with the final plat of Phase 1, will apply to each phase of the subdivision and shall include the following provisions:

***Posting of County-Issued Addresses for Lots within this Subdivision.*** The Hamilton Rural Fire District has adopted the Fire Protection Standards, which require lot owners to post County-issued addresses at the intersection of the access leading to each lot as soon as construction on the structure begins. (*Section 3-2-8(b)(v)(C, F), RCSR, Effects on Local Services and Public Health & Safety*)

***Access Requirements for Lots within this Subdivision.*** As a member of the Ravalli County Fire Council, the Hamilton Rural Fire District has adopted 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 Hamilton Rural Fire District for further information. (*Section 3-2-8(b)(v)(C, F), RCSR, Effects on Local Services and Public Health & Safety*)

***Control of Noxious Weeds/Herbicide Use.*** A weed control plan has been filed in conjunction with this subdivision. No noxious weeds shall be allowed to accumulate on any lot. The management of noxious weeds will be performed while prohibiting the broadcast application of herbicides within five feet of any storm water drainage swale but allow the use of herbicide for spot control within the swales as needed. Furthermore, the application of herbicides within common areas shall be performed by a licensed applicator and will be prohibited from March to July when groundwater is typically shallow and maximum runoff is anticipated. The type of herbicide to be used will be limited to products with labels that are approved for use in shallow groundwater and riparian areas as listed by the Environmental Protection Agency or other regulatory agencies. Contact the Ravalli County Weed District for further information. (*Section 3-2-8(b)(v)(A, D), RCSR, Effects on Agriculture and Natural Environment*)

***Installation of Wood Stoves.*** If wood burning stoves are to be used, home owners shall 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*)

***Building Height Restrictions.*** Portions of this subdivision are located within the Hamilton Airport Influence Area. Buildings shall have a maximum height of 45-feet. Over the course of the phasing period this height restriction is subject to change. (*Section 3-2-8(b)(v)(C, F), RCSR, Effects on Public Health & Safety*)

**Building Envelopes.** Each lot shall have a "building envelope" which shall be the portion of the lot within which the construction of the homes and appurtenant structures and improvements are permitted. The "building envelope" shall be limited to one half the area of the lot. Landowner application of fertilizer and herbicides is prohibited outside of the "building envelope" except for the control of noxious weeds in accordance with the adopted weed management plan. (*Section 3-2-8(b)(v)(D), RCSR, Effects on Natural Environment*)

**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 criteria*)

3. The applicant shall include an RSID/SID waiver in a notarized document filed with the subdivision plat for the first phase that is applicable to all phases that states the following: Owners and their successors-in-interest waive all rights to protest the creation of a special/rural improvement district for any purpose allowed by law, including: developing, improving or expanding a community water system or a community wastewater treatment system for an incorporated municipality, improving and/or maintaining the roads that access the subdivision including (i.e. Golf Course Road, Big Corral Road, Grantsdale Road, Kurtz Lane, US Highway 93) related right-of-way, drainage structures, and traffic control signs, and constructing and/or maintaining any pedestrian facilities such as sidewalks, bike-lanes and trails. This waiver will expire 20 years after the date the final plat of the final phase is filed with the Ravalli County Clerk and Recorder. (*Section 3-2-8(b)(v)(C), RCSR; 76-3-608(7), MCA, Effects on Local Services*)
4. The applicant shall provide, with the final plat of each phase, evidence that they have applied for County-issued addresses for each lot/unit within the proposed phase. (*Section 3-2-8(b)(v)(C, F), RCSR, Effects on Local Services and Public Health & Safety*)
5. Prior to final plat approval of each phase, the applicant shall provide a letter from the Hamilton Rural Fire District stating that the applicant has flow tested the fire hydrants associated with each phase and certified that they have a minimum flow rate of 1,500 gallons-per-minute, maintained for two hours. All water mains for the project shall have a minimum size of eight inches in diameter with the exception of the hydrants lead pipes which can be of six inches in diameter. (*Section 3-2-8(b)(v)(C, F), RCSR, Effects on Local Services and Public Health & Safety*)
6. The following statement shall be shown on the final plat of Phase 1: "The Ravalli County Fire Council, which includes the Hamilton Rural Fire District, has adopted 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 Hamilton Rural Fire Department for further information". Additional phases shall include language on the final plat consistent with the most up to date Fire Protection Standards related to access as may be adopted by the Hamilton Rural Fire District. (*Section 3-2-8(b)(v)(C, F), RCSR, Effects on Local Services and Public Health & Safety*)

7. The applicant shall negotiate mitigation and a plan for implementation of mitigation for each phase with the BCC to alleviate identified effects of the subdivision on the Hamilton School District. The applicant shall provide evidence that the decided upon mitigation for each phase has been implemented prior to final plat approval of each phase. *(Section 3-2-8(b)(v)(C), RCSR, Effects on Local Services)*
8. The applicant shall negotiate mitigation and a plan for implementation of mitigation for each phase with the BCC to alleviate identified effects of the subdivision on Public Safety Services (Sheriff, E-911, DES). The applicant shall provide evidence that the decided upon mitigation for each phase has been implemented prior to final plat approval of each phase. *(Section 3-2-8(b)(v)(C, F), RCSR, Effects on Local Services and Public Health & Safety)*
9. The internal subdivision roads for each phase shall be located within labeled "60-foot public road and public utility easements" on the final plat for each phase. *(Section 3-2-8(b)(v)(C), RCSR, Effects on Local Services)*
10. The pedestrian facilities for each phase shall be located within "public access easements" on the final plat for each phase. The easements shall either be established solely for the pedestrian facilities or the facilities shall be located within the 60-foot public road and public utility easement. *(Section 3-2-8(b)(v)(C), RCSR, Effects on Local Services)*
11. The road maintenance agreement (RMA) shall include a statement that lots in adjacent properties that access the internal roadway network through the conditional roadway easements shall be allowed to join the RMA for those roadways along the access route from Golf Course Road to the conditional roadway easement. The RMA shall be filed with the final plat of Phase 1 and shall include language that each subsequent phase will become a party to the RMA. *(Section 3-2-8(b)(v)(C), RCSR, Effects on Local Services)*
12. The following statement shall be shown on the face of the final plat for each phase: "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)*
13. Approval from the Montana Department of Environmental Quality for the community wastewater treatment facilities and wastewater conveyance system shall be submitted to the Ravalli County Planning Department prior to final plat approval of each phase. The Certificate of Subdivision Approval shall be on file prior to submittal of each phase. Approved engineering plans stamped by the Montana Department of Environmental Quality for the community wastewater treatment facilities and wastewater conveyance system shall be submitted to the Ravalli County Environmental Health Department prior to final plat approval of each phase. *(Section 3-2-8(b)(v)(D, F), RCSR, Effects on Natural Environment and Public Health & Safety)*

14. The wastewater conveyance system shall be constructed utilizing Gasketed-joint PVC pipe for all gravity wastewater lines and High Density Polyethylene pipe for all pressurized wastewater lines containing untreated wastewater within the subdivision. *(Section 3-2-8(b)(v)(D, F), RCSR, Effects on Natural Environment and Public Health & Safety)*
15. Approval from the Montana Department of Environmental Quality for the community water supply facilities and water conveyance system shall be submitted to the Ravalli County Planning Department prior to final plat approval of each phase. The Certificate of Subdivision Approval shall be on file prior to submittal of each phase. Approved engineering plans stamped by the Montana Department of Environmental Quality for the community water supply facilities and water conveyance system shall be submitted to the Ravalli County Environmental Health Department prior to final plat approval of each phase. *(Section 3-2-8(b)(v)D, (F), RCSR, Effects on Natural Environment and Public Health & Safety)*
16. A Beneficial Water Use Permit for the public water supply facilities shall be obtained from the Montana Department of Natural Resources and Conservation prior to final plat approval of the first phase. Evidence of adequate water rights to supply each phase of the development must be submitted to the Ravalli County Planning Department prior to final plat approval of each phase. *(Section 3-2-8(b)(v)(D, F), RCSR, Effects on Agricultural Water User Facilities, Natural Environment and Public Health & Safety)*
17. The final locations of all community water supply wells (center of well) and community wastewater facilities (corners of drainfield, corners of utility lot, locations of treatment facilities), as approved by MDEQ, shall be staked on the ground prior to final plat approval of each phase. The stakes shall be removed at such time as the wells and facilities are installed. *(Section 3-2-8(b)(v)(D), RCSR, Effects on the Natural Environment)*
18. Final engineering plans for the internal roadways, stamped by a professional engineer in the State of Montana shall be submitted to and approved by the Ravalli County Road and Bridge Department prior to final plat approval of each phase. *(Section 3-2-8(b)(v)(C, F), RCSR, Effects on Local Services and Public Health & Safety)*
19. The applicant shall install temporary turnarounds with a 50-foot radius at all locations that will provide future road connections throughout the subdivision. Each temporary turnaround shall be constructed with a compacted all weather travel surface capable of accommodating emergency service vehicles. *(Section 3-2-8(b)(v)(C, F), RCSR, Effects on Local Services and Public Health & Safety)*
20. Final engineering plans, stamped by a professional engineer in the State of Montana, for site grading and drainage and the storm water conveyance system shall be submitted to and approved by the Ravalli County Road and Bridge Department prior to final plat approval of each phase. *(Section 3-2-8(b)(v)(C, F), RCSR, Effects on Local Services and Public Health & Safety)*

21. Storm sewer lines shall be constructed with gasketed-joint PVC, catchbasins shall not be constructed at an elevation below the seasonal high water table, swales and detention basins shall be vegetated, and the storm water conveyance system shall be designed to minimize ponding. (*Section 3-2-8(b)(v)(D, F), RCSR, Effects on Natural Environment and Public Health & Safety*)
22. Final approval by the FAA of any portion of the subdivision within the Hamilton Airport Influence Area shall be submitted to the Ravalli County Planning Department prior to final plat approval of the first phase. The FAA approval shall contain necessary building height restrictions for the portions of the subdivision within the influence area. The covenants shall contain the necessary height restrictions approved by the FAA and shall be approved by the BCC prior to final plat of each phase. (*Section 3-2-8(b)(v)(C, F), RCSR, Effects on Local Services and Public Health & Safety*)
23. Adequate wastewater treatment and conveyance systems for each phase shall be constructed or financially guaranteed prior to final plat approval of each phase. The conveyance systems for each phase shall provide for extensions to future phases and shall be shown on submitted engineering plans. Easements for the wastewater conveyance system not shown on lots owned by the Homeowners' Association shall be shown on each final plat, and a blanket utility easement on all lots owned by the Homeowners' Association shall be shown on the final plat for each phase. (*Section 3-2-8(a), RCSR, Prerequisites for Approval*)
24. Adequate water supply facilities and conveyance systems for each phase shall be constructed or financially guaranteed prior to the final plat approval of each phase. The conveyance systems for each phase shall provide for extensions to future phases and shall be shown on submitted engineering plans. Easements for the public water supply conveyance system not shown on lots owned by the Homeowners' Association shall be shown on each final plat, and a blanket utility easement on all lots owned by the Homeowners' Association shall be shown on the final plat for each phase. (*Section 3-2-8(a), RCSR, Prerequisites for Approval*)
25. Adequate storm water conveyance and treatment systems for each phase shall be constructed or financially guaranteed prior to final plat approval of each phase. The conveyance and treatment systems for each phase shall provide for extensions to future phases and shall provide for future capacity of future phases. Easements for the storm water conveyance and treatment systems not shown on lots owned by the Homeowners' Association shall be shown on the final plat, and a blanket utility easement on all lots owned by the Home Owners Association shall be shown on the final plat for each phase. (*Section 3-2-8(a), RCSR, Prerequisites for Approval*)
26. The applicant shall be required, at a minimum to establish a county water and sewer district or establish a private utility to manage the utilities for the subdivision. The managing entity will be required to establish regulations governing general provisions, availability of water and sewer services, conditions of use and service, extension of the base system, fire suppression, installation, metering, billing, sampling and testing, reporting, rates and fees and records keeping and accounting.

The applicant and the entity utilized to establish and operate the system shall comply with all applicable laws and regulations concerning the above referenced options for management of the community water and sewer system. In the event that a private utility company is established, the private utility company shall adhere to the guidelines and requirements of the Montana Public Service Commission. *(Section 3-2-8(b)(v)(C, F), RCSR, Effects on Local Services and Public Health & Safety)*

27. The applicant shall submit a complete layout to the Hamilton Rural Fire District, Bitterroot Disposal and the Ravalli County Environmental Health Department for the condominium lots and the commercial lots prior to final plat approval of each phase that includes condominium or commercial lots. The Hamilton Rural Fire District, Bitterroot Disposal and the Ravalli County Environmental Health Department shall review and approve the layouts for each of the condominium lot and commercial lot within the subdivision. The lot layout shall include access to each building including parking areas, roads, driveways and any facilities required for traffic operation. The layout shall also include locations of all proposed buildings their orientation, area and dimensions including height. All utility locations including water, sanitary sewer, stormwater, power, gas and telephone infrastructure shall be shown on the submitted layout. A design report shall accompany the layout that adequately describes the infrastructure needs for water, sanitary sewer, and stormwater for each lot. *(Section 3-2-8(b)(v)(C, F), RCSR, Effects on Local Services and Public Health & Safety)*

28. Based on a review of the Traffic Impact Analysis and associated roadway improvement cost estimates, the applicant shall contribute, to the County, the proportional share of anticipated roadway improvements. The applicant shall be responsible for contributing \$74,236.33 per phase. The amount will be placed in an interest bearing account for roadway improvements to the Golf Course Improvement Corridor. *(Section 3-2-8(b)(v)(C,F) Effects on Local Services and Public Health & Safety)*

#### **RECOMMENDED MITIGATING CONDITIONS OF APPROVAL SPECIFIC TO PHASE**

**1**

29. Updated groundwater monitoring shall be completed in accordance with Ravalli County Environmental Health standards, to show that adequate separation from groundwater can be maintained in the effluent disposal areas. The updated groundwater monitoring results shall be submitted to MDEQ and utilized as the basis for granting sanitation approval. *(Section 3-2-8(b)(v)(C, F), RCSR, Effects on the Natural Environment and Public Health & Safety)*

30. The applicant shall work with the Hamilton School District to determine if bus shelters and/or school bus turnouts shall be constructed near the Flatiron Ranch Road/Golf Course Road intersection. The applicant shall provide evidence that they have worked with the School District prior to final plat approval of Phase 1. If any improvements are required, the applicant shall certify the improvements have been installed prior to final plat approval of Phase 1. Easements for the required

improvements, if needed, shall be shown on the final plats for Phase 1. (*Section 3-2-8(b)(v)(C, F), RCSR, Effects on Local Services and Public Health & Safety*)

31. The 22-foot wide all weather surface temporary access road between Phase 1 and the water supply facilities, including the offsite utility lot, shall be constructed prior to final plat approval of Phase 1. A 30-foot wide public access and public utility easement between phase 1 and the water facilities shall follow the access road and shall be shown on the final plat. If the easement crosses property not included in the final plat, a copy of the filed Certificate of Survey or exhibit that created the easement shall be provided prior to final plat approval of Phase 1. (*Section 3-2-8(a), and Sections 3-2-8(b)(v)(C, F), RCSR, Prerequisites for Approval, Effects on Local Services and Public Health & Safety*)
32. The 22-foot wide all weather surface temporary access road between Phase 1 and the wastewater treatment facilities shall be constructed prior to final plat approval of Phase 1. A 30-foot wide public access and public utility easement between phase 1 and the wastewater treatment facilities shall follow the access road and shall be shown on the final plat. If the easement crosses property not included in the final plat, a copy of the filed Certificate of Survey or exhibit that created the easement shall be provided prior to final plat approval of Phase 1. (*Section 3-2-8(a), and Sections 3-2-8(b)(v)(C, F), RCSR, Prerequisites for Approval, Effects on Local Services and Public Health & Safety*)
33. Flatiron Ranch Road and Flatiron Ranch Trail, shall be constructed pursuant to the approved road plans to the boundary of Phase 1. Additionally, all road name and traffic control signs, for Phase 1 shall be installed. (*Final Plat Requirements 1, 16, 17 & 26*)
34. The 22-foot wide all weather surface emergency access road between Getalong Trail and Tammany Lane shall be constructed prior to final plat approval of Phase 1. The Hamilton Rural Fire District shall provide written correspondence approving of the construction of the road. The emergency access road crossing of the Hedge Ditch shall also be approved by Daly Ditches. A 30-foot wide emergency access easement between Getalong Trail and Tammany Lane shall be shown on the final plat. If the easement crosses property not included in the final plat, a copy of the filed Certificate of Survey or exhibit that created the easement shall be provided prior to final plat approval of Phase 1. (*Section 3-2-8(a), and Sections 3-2-8(b)(v)(C, F), RCSR, Prerequisites for Approval, Effects on Local Services and Public Health & Safety*)
35. An all weather surface public access road between Phase 1 and the emergency access road shall be constructed prior to final plat approval of Phase 1. A public access easement shall be shown on the final plat for the road connection between Phase 1 and the emergency access road. If the easement crosses property not included in the final plat, a copy of the filed Certificate of Survey or exhibit that created the easement shall be provided prior to final plat approval of Phase 1. (*Section 3-2-8(a) and Sections 3-2-8(b)(v)(C, F), RCSR, Prerequisites for Approval, Effects on Local Services and Public Health & Safety*)

36. A 60-foot wide ditch easement centered on the existing unnamed drainage ditch, as shown on C.A. Lot 28 on the preliminary plat, shall be shown on the final plat for Phase 1. (*Section 3-2-8(a), Prerequisites to Approval and Section 3-2-8(b)(v)(B) and 5-6-1, RCSR, Effects on Agricultural Water User Facilities and Irrigation Easements*)
37. Access and utility easements shall be provided on Tract A of C.O.S 626971-R for the exclusive use of the Flatiron Ranch Homeowners' Association, or entity providing utility services to the development, to provide public water supply facilities to the development. A copy of the filed Certificate of Survey or exhibit that created the easement shall be provided prior to final plat approval of Phase 1. The easement language shall prohibit the connection to the Tammany South easement to ensure no vehicular access will be permitted. (*Section 3-2-8(a) and Section 3-2-8(b)(v)(F), Prerequisites for Approval and Effects on Local Services*)
38. The final plat shall show a no-ingress/egress zone along the Golf Course Road frontage of Phase 1 of the subdivision, excepting the approved approach for Flatiron Ranch Road, as approved by the Ravalli County Road & Bridge Department. (*Section 3-2-8(b)(v)(C, F), RCSR, Effects on Local Services and Public Health and Safety*)
39. The applicant shall provide evidence that a Collection Box Unit(s) (CBU) has been installed atop a concrete slab, in accordance with the Hamilton post office's standards, and that the installation has been approved by the Hamilton Post Office prior to final plat approval of Phase 1. Alternatively, the applicant shall provide evidence from the Hamilton Post Office that a CBU(s) is not required. (*Section 3-2-8(b)(v)(C), RCSR, Effects on Local Services*)
40. The applicant shall construct pedestrian facilities in accordance with Attachment A. The pedestrian paths shall extend to the boundaries of Phase 1. (*Section 3-2-8(b)(v)(F) and Section 5-4-8, RCSR, Effects on Local Services and Public Health & Safety*)

**RECOMMENDED MITIGATING CONDITIONS OF APPROVAL SPECIFIC TO PHASE**

**2**

41. Flatiron Ranch Road shall be extended to the boundary of Phase 2 and West Lake Side Lane shall be constructed pursuant to the approved road plans. Additionally, all road name and traffic control signs for Phase 2 shall be installed. (*Final Plat Requirements 1, 16, 17 & 26*)
42. An all weather surface public access road between Phase 2 and the emergency access road shall be constructed prior to final plat approval of Phase 2. A public access easement shall be shown on the final plat for the road connection between Phase 2 and the emergency access road. If the easement crosses property not included in the final plat, a copy of the filed Certificate of Survey that created the easement shall be provided prior to final plat approval of Phase 2. (*Section 3-2-8(a), Section 3-2-8(b)(v)(C,F) and Section 5-4-8, RCSR, Prerequisites for Approval, Effects on Local Services and Public Health & Safety*)

43. The applicant shall construct pedestrian facilities in accordance with Attachment A. The pedestrian paths shall extend to the boundaries of Phase 2. (*Section 3-2-8(b)(v)(C,F) and Section 5-4-8, RCSR, Effects on Local Services and Public Health & Safety*)

**RECOMMENDED MITIGATING CONDITIONS OF APPROVAL SPECIFIC TO PHASE 3**

44. Flatiron Ranch Road shall be extended to the boundary of Phase 3, Saddle Iron Circle, Golden Spur Lane, and Golden Spur Circle shall be constructed pursuant to the approved road plans. Additionally, all road name and traffic control signs, for Phase 3, shall be installed. (*Final Plat Requirements 1, 16, 17 & 26*)
45. An all weather surface public access road between Phase 3 and the emergency access road shall be constructed or financially guaranteed prior to final plat approval of Phase 3. A public access easement shall be shown on the final plat for the road connection between Phase 3 and the emergency access road. If the easement crosses property not included in the final plat, a copy of the filed Certificate of Survey that created the easement shall be provided prior to final plat approval of Phase 3. (*Section 3-2-8(a), Section 3-2-8(b)(v)(F) and Section 5-4-8, RCSR, Prerequisites for Approval, Effects on Local Services and Public Health & Safety*)
46. The applicant shall construct pedestrian facilities in accordance with Attachment A. The pedestrian paths shall extend to the boundaries of Phase 3. (*Section 3-2-8(b)(v)(F) and Section 5-4-8, RCSR, Effects on Local Services and Public Health & Safety*)
47. Written authorization to alter the existing irrigation pipeline, shown on the preliminary plat, from the downstream water users and the Daly Ditches Irrigation District shall be submitted prior to final plat approval of phase 3. A 20-foot irrigation easement for the underground irrigation pipeline shall be provided on the final plat for phase 3 and shall be dedicated for the exclusive use of Lots 1-5 of Tammany Estates. (*Section 3-2-8(a), Prerequisites to Approval and Section 3-2-8(b)(v)(B), RCSR, Effects on Agricultural Water User Facilities*)
48. Provide a separate public utility easement on the final plat for Phase 3, for the buried power-line next to the irrigation easement along the west side of lot 267 as shown on the preliminary plat. (*Section 3-2-8(b)(v)(F) and Section 5-4-8, RCSR, Effects on Local Services and Public Health & Safety and Section 3-2-8(b)(v)(B), RCSR, Effects on Agricultural Water User Facilities*)
49. Provide a 60-foot wide private access and public utility easement from Flatiron Ranch Road to the offsite utility lot, Tract A of C.O.S. 626971-R, across CA Lot 20. The easement shall be shown on the final plat for Phase 3. (*Section 3-2-8(a) Prerequisites for Approval*)

## **RECOMMENDED MITIGATING CONDITIONS OF APPROVAL SPECIFIC TO PHASE**

### **4**

50. Flatiron Ranch Road shall be extended to the southern boundary of Phase 4, Saddle Court, Silver Saddle Place, and Corral Circle shall be constructed pursuant to the approved road plans. Additionally, all road name and traffic control signs, for Phase 4, shall be installed. (*Final Plat Requirements 1, 16, 17 & 26*)
51. An all weather surface public access road between Phase 4 and Phase 1 shall be constructed or financially guaranteed prior to final plat approval of Phase 4. A public access easement shall be shown on the final plat for the road connection between Phase 4 and Phase 1. If the easement crosses property not included in the final plat, a copy of the filed Certificate of Survey that created the easement shall be provided prior to final plat approval of Phase 4. (*Section 3-2-8(a), Section 3-2-8(b)(v)(F) and Section 5-4-8, RCSR, Prerequisites for Approval, Effects on Local Services and Public Health & Safety*)
52. The applicant shall construct pedestrian facilities in accordance with Attachment A. The pedestrian paths shall extend to the boundaries of Phase 4. (*Section 3-2-8(b)(v)(F) and Section 5-4-8, RCSR, Effects on Local Services and Public Health & Safety*)

## **RECOMMENDED MITIGATING CONDITIONS OF APPROVAL SPECIFIC TO PHASE**

### **5**

53. Flatiron Ranch Trail shall be extended to its intersection with Getalong Trail. Getalong Trail, Canter Loop, Hidden Springs Loop, Appaloosa Circle and Lasso Loop shall be constructed pursuant to the approved road plans. Additionally, all road name and traffic control signs, for Phase 5, shall be installed. (*Final Plat Requirements 1, 16, 17 & 26*)
54. The applicant shall submit an updated Traffic Impact Analysis (TIA) to the RCRBD. The Updated TIA shall specifically look at the impacts the subdivision is having on each intersection identified within the initial TIA. Additionally, the TIA shall address both structural capacity and surface conditions for the following roads: Big Coral, Daly, Grantsdale and Kurtz. The applicant shall be required to provide additional mitigation based on the findings and proportionality of the TIA. (*Section 3-2-8(b)(v)(C), RCSR, Effects on Local Services and Public Health & Safety*)
55. A 60-foot wide conditional public roadway easement and conditional public utility easement shall be shown on the final plat for Phase 5 from the end of Canter Loop to adjacent property to the west. The conditional public roadway and conditional public utility easement shall be located along the boundary between lots 375 and 376 and shall be split evenly between the two lots. The easement shall then connect to the western most boundary line of the subdivision across CA Lot 26. (*Section 3-2-8(a) and Section 5-4-4(d), RCSR, Prerequisites for Approval and Road Layout Standards*)

56. A 60-foot wide conditional public roadway easement and conditional public utility easement shall be shown on the final plat for Phase 5 west off of Flatiron Ranch Trail between Canter Loop and Getalong Trail to adjacent property to the west. The conditional public roadway and conditional public utility easement shall connect to the northern most boundary line of the subdivision across CA Lot 26. (*Section 3-2-8(a) and Section 5-4-4(d), RCSR, Prerequisites for Approval and Road Layout Standards*)
57. The final plat of this phase shall contain the following language: "Any proposed subdivision with internal subdivision roadways of the property adjoining the conditional public roadway and conditional public utility easement extending from Flatiron Ranch Trail or Canter Loop shall provide for a physical roadway connection through the conditional public roadway and conditional public utility easement". (*Section 3-2-8(b)(v)(D), RCSR, Prerequisites for Approval and Effects on Local Services*)
58. A 30-foot wide emergency access easement for the 22-foot wide all weather surface emergency access road through CA Lot 25 and along the east boundary lines of Lots 361, 362 and CA Lot 26 shall be shown on the final plat for Phase 5. A no ingress/egress restriction shall be placed on the final plat along the emergency access easement, where it crosses lots 361, 362 and C.A. Lots 25 and 26. (*Section 3-2-8(a), Section 3-2-8(b)(v)(F) and Section 5-4-8, RCSR, Prerequisites for Approval, Effects on Local Services and Public Health & Safety*)
59. A safety fence shall be constructed in accordance with Section 5-6-2(b), RCSR along the northwest boundary of the subdivision that parallels the Hedge Ditch. The fence shall be constructed or financially guaranteed prior to final plat of Phase 5. (*Section 3-2-8(b)(v)(F) and 5-6-2, RCSR, Public Health & Safety and Fencing of Irrigation Ditches*)
60. The applicant shall construct pedestrian facilities in accordance with Attachment A. The pedestrian paths shall extend to the boundaries of Phase 5. (*Section 3-2-8(b)(v)(F) and Section 5-4-8, RCSR, Effects on Local Services and Public Health & Safety*)

#### **RECOMMENDED MITIGATING CONDITIONS OF APPROVAL SPECIFIC TO PHASE**

#### **6**

61. Flatiron Ranch Road shall be extended to its intersection with East Lake Side Lane, Stirrup Court, and Stockman Court shall be constructed pursuant to the approved road plans. Additionally, all road name and traffic control signs, for Phase 6, shall be installed. (*Final Plat Requirements 1, 16, 17 & 26*)
62. An all weather surface public roadway between Phase 6 and Phase 1 shall be constructed or financially guaranteed prior to final plat approval of Phase 6. A 60-foot public roadway easement shall be shown on the final plat for the road connection between Phase 6 and Phase 1. If the easement crosses property not included in the final plat, a copy of the filed Certificate of Survey that created the easement shall be provided prior to final plat approval of Phase 6. (*Section 3-2-8(a),*

*Section 3-2-8(b)(v)(F) and Section 5-4-8, RCSR, Prerequisites for Approval, Effects on Local Services and Public Health & Safety)*

63. A 60-foot wide ditch easement centered on the existing unnamed drainage ditch, as shown on C.A. Lot 1 on the preliminary plat, shall be shown on the final plat for Phase 6. *(Section 3-2-8(a), Prerequisites to Approval and Section 3-2-8(b)(v)(B) and 5-6-1, RCSR, Effects on Agricultural Water User Facilities and Irrigation Easements)*
64. The applicant shall construct pedestrian facilities in accordance with Attachment A. The pedestrian paths shall extend to the boundaries of Phase 6. *(Section 3-2-8(b)(v)(F) and Section 5-4-8, RCSR, Effects on Local Services and Public Health & Safety)*
65. The final plat for Phase 6 shall show a no-ingress/egress zone along the Golf Course Road frontage of the subdivision. *(Section 3-2-8(b)(v)(C, F), RCSR, Effects on Local Services and Public Health and Safety)*

**RECOMMENDED MITIGATING CONDITIONS OF APPROVAL SPECIFIC TO PHASE 7**

66. Legend Trail shall be extended to the boundaries of Phase 7, and Tranquil Trail, Evening Vista Circle, Evening Dew Court, Evening Glow Lane, and Siesta Street shall be constructed pursuant to the approved road plans. Additionally, all road name and traffic control signs, for Phase 7, shall be installed. *(Final Plat Requirements 1, 16, 17 & 26)*
67. The applicant shall work with the Hamilton School District to determine if bus shelters and/or school bus turnouts shall be constructed near the Legend Trail/Golf Course Road intersection. The applicant shall provide evidence that they have worked with the School District prior to final plat approval of Phase 7. If any improvements are required, the applicant shall certify the improvements have been installed prior to final plat approval of Phase 7. Easements for the required improvements, if needed, shall be shown on the final plats for Phase 7. *(Section 3-2-8(b)(v)(C, F), RCSR, Effects on Local Services and Public Health & Safety)*
68. An all weather surface public access road between Phase 7 and Phase 4 shall be constructed or financially guaranteed prior to final plat approval of Phase 7. A 60-foot public roadway easement shall be shown on the final plat for the road connection between Phase 7 and Phase 4. If the easement crosses property not included in the final plat, a copy of the filed Certificate of Survey that created the easement shall be provided prior to final plat approval of Phase 7. *(Section 3-2-8(a), Section 3-2-8(b)(v)(F) and Section 5-4-8, RCSR, Prerequisites for Approval, Effects on Local Services and Public Health & Safety)*
69. A 60-foot wide ditch easement centered on the existing unnamed drainage ditch, as shown on C.A. Lot 1 on the preliminary plat, shall be shown on the final plat for Phase 7. *(Section 3-2-8(a), Prerequisites to Approval and Section 3-2-8(b)(v)(B)*

*and 5-6-1, RCSR, Effects on Agricultural Water User Facilities and Irrigation Easements)*

70. A 40-foot x 40-foot water easement shall be shown on the final plat for Phase 7 on CA Lot 1 as shown on Certificate of Survey number 2258. *(Section 3-2-8(a), Prerequisites to Approval and Section 3-2-8(b)(v)(B) and 5-6-1, RCSR, Effects on Agricultural Water User Facilities and Irrigation Easements)*
71. The final plat for Phase 7 shall show a no-ingress/egress zone along the Golf Course Road frontage of the subdivision, excepting the approach for Legend Trail, as approved by the Ravalli County Road & Bridge Department. *(Section 3-2-8(b)(v)(C, F), RCSR, Effects on Local Services and Public Health and Safety)*
72. The applicant shall provide evidence that a Collection Box Unit(s) (CBU) has been installed atop a concrete slab, in accordance with the Hamilton post office's standards, and that the installation has been approved by the Hamilton Post Office prior to final plat approval of Phase 7. Alternatively, the applicant shall provide evidence from the Hamilton Post Office that a CBU(s) is not required. *(Section 3-2-8(b)(v)(C), RCSR, Effects on Local Services)*
73. The applicant shall construct pedestrian facilities in accordance with Attachment A. The pedestrian paths shall extend to the boundaries of Phase 7. *(Section 3-2-8(b)(v)(F) and Section 5-4-8, RCSR, Effects on Local Services and Public Health & Safety)*

**RECOMMENDED MITIGATING CONDITIONS OF APPROVAL SPECIFIC TO PHASE 8**

74. Legend Trail shall be extended to the eastern boundary of Phase 8, and Silver Cloud Lane, Granger Court, Evening Breeze Place and Silver Cloud Court shall be constructed pursuant to the approved road plans. Additionally, all road name and traffic control signs, for phase 8, shall be installed. *(Final Plat Requirements 1, 16, 17 & 26)*
75. The applicant shall construct pedestrian facilities in accordance with Attachment A. The pedestrian paths shall extend to the boundaries of Phase 8. *(Section 3-2-8(b)(v)(F) and Section 5-4-8, RCSR, Effects on Local Services and Public Health & Safety)*

**RECOMMENDED MITIGATING CONDITIONS OF APPROVAL SPECIFIC TO PHASE 9**

76. Flatiron Ranch Road shall be completed and East Lake Side Lane, and Lake Side Court shall be constructed pursuant to the approved road plans. Additionally, all road name and traffic control signs, for Phase 9, shall be installed. *(Final Plat Requirements 1, 16, 17 & 26)*

77. A 60-foot wide ditch easement centered on the existing unnamed drainage ditch, as shown on C.A. Lot 1 on the preliminary plat, shall be shown on the final plat for Phase 9. (*Section 3-2-8(a), Prerequisites to Approval and Section 3-2-8(b)(v)(B) and 5-6-1, RCSR, Effects on Agricultural Water User Facilities and Irrigation Easements*)
78. The final plat for Phase 9 shall show a no-ingress/egress zone along the Golf Course Road frontage of the subdivision. (*Section 3-2-8(b)(v)(C, F), RCSR, Effects on Local Services and Public Health and Safety*)
79. A 20-foot wide irrigation pipeline easement shall be shown along the existing irrigation pipeline alignment. The easement shall be centered on the irrigation pipeline alignment and shall be shown on the final plat for Phase 9. (*Section 3-2-8(a), Prerequisites to Approval and Section 3-2-8(b)(v)(B) and 5-6-1, RCSR, Effects on Agricultural Water User Facilities and Irrigation Easements*)
80. The applicant shall construct pedestrian facilities in accordance with Attachment A. The pedestrian paths shall extend to the boundaries of Phase 9. (*Section 3-2-8(b)(v)(F) and Section 5-4-8, RCSR, Effects on Local Services and Public Health & Safety*)

**RECOMMENDED MITIGATING CONDITIONS OF APPROVAL SPECIFIC TO PHASE 10**

81. The applicant shall submit an updated Traffic Impact Analysis (TIA) to the RCRBD. The Updated TIA shall specifically look at the impacts the subdivision is having on each intersection identified within the initial TIA. Additionally, the TIA shall address both structural capacity and surface conditions for the following roads: Big Coral, Daly, Grantsdale and Kurtz. The applicant shall be required to provide additional mitigation based on the findings and proportionality of the TIA. (*Section 3-2-8(b)(v)(C), RCSR, Effects on Local Services and Public Health & Safety*)
82. The applicant shall construct a left turn lane at the intersection Golf Course Road and Flatiron Ranch Road. The cost of installation will be the sole responsibility of the applicant and will be completed in accordance with RCRBD policy. (*Section 3-2-8(b)(v)(C), RCSR, Effects on Local Services and Public Health & Safety*)
83. The applicant shall construct pedestrian facilities in accordance with Attachment A. The pedestrian path shall extend to the boundaries of Phase 10. (*Section 3-2-8(b)(v)(F) and Section 5-4-8, RCSR, Effects on Local Services and Public Health & Safety*)

**RECOMMENDED MITIGATING CONDITIONS OF APPROVAL SPECIFIC TO PHASE 11**

84. Legend Trail shall be constructed from the boundary of Phase 8 to the Boundary of Phase 12, and Morning Vista Loop, Morning Vista Circle, Driftwood Place and Morning Dew Circle shall be constructed pursuant to the approved road plans.

Additionally, all road name and traffic control signs, for Phase 11, shall be installed. (*Final Plat Requirements 1, 16, 17 & 26*)

85. Engineering plans for the flood control berms along Gird Creek shall be submitted to the Ravalli County Floodplain Administrator and the Ravalli County Planning Department prior to final plat approval of Phase 11. Flood control berms along Gird Creek shall be installed and certified by a professional engineer in the State of Montana prior to final plat approval of Phase 11. The flood control berms along Gird Creek cannot be financially guaranteed. (*Section 3-2-8(b)(v)(F), RCSR, Effects on Public Health & Safety*)
86. A 50-foot wide no-build/alteration zone shall be placed on the final plat along the north and east boundaries of Phase 11. The no-build easement shall follow the Gird Creek (Ward Ditch Lateral W-19) alignment as shown on the preliminary plat and defined in the Gird Creek Floodplain Study. (*Section 3-2-8(a), Prerequisites to Approval and Section 3-2-8(b)(v)(B) and 5-6-1, RCSR, Effects on Agricultural Water User Facilities and Irrigation Easements*)
87. The applicant shall construct pedestrian facilities in accordance with Attachment A. The pedestrian paths shall extend to the boundaries of Phase 11. (*Section 3-2-8(b)(v)(F) and Section 5-4-8, RCSR, Effects on Local Services and Public Health & Safety*)

## **RECOMMENDED MITIGATING CONDITIONS OF APPROVAL SPECIFIC TO PHASE 12**

88. Legend Trail shall be completed, and Morning Breeze Loop, Morning Glow Drive, Alpenglow Loop and Oasis Place shall be constructed pursuant to the approved road plans. Additionally, all road name and traffic control signs, for Phase 12, shall be installed. (*Final Plat Requirements 1, 16, 17 & 26*)
89. A 50-foot wide no-build/alteration zone shall be placed on the final plat along the east boundary of Phase 12. The no-build easement shall follow the Gird Creek (Ward Ditch Lateral W-19) alignment as shown on the preliminary plat and defined in the Gird Creek Floodplain Study. The portion of the no-build/alteration zone planned for a future access easement will be lifted in the event a future subdivision is developed and a road constructed through the area. (*Section 3-2-8(a), Prerequisites to Approval and Section 3-2-8(b)(v)(B) and 5-6-1, RCSR, Effects on Agricultural Water User Facilities and Irrigation Easements*)
90. The final plat for Phase 12 shall show a no-ingress/egress zone along the Golf Course Road frontage of the subdivision. (*Section 3-2-8(b)(v)(C, F), RCSR, Effects on Local Services and Public Health and Safety*)
91. A 60-foot wide conditional public roadway and public utility easement shall be shown on the final plat for Phase 12 from the end of Morning Glow Drive to adjacent property to the east. The conditional public roadway and conditional public utility easement shall be located along the boundary between lots 210 and 211 and shall

be split evenly between the two lots. (*Section 3-2-8(a) and Section 5-4-4(d), RCSR, Prerequisites for Approval and Road Layout Standards*)

92. The final plat of this phase shall contain the following language: "Any proposed subdivision with internal subdivision roadways of the property adjoining the conditional public roadway and conditional public utility easement extending from Morning Glow Drive shall provide for a physical roadway connection to Morning Glow Drive through the conditional public roadway and conditional public utility easement". (*Section 3-2-8(b)(v)(D), RCSR, Prerequisites for Approval and Effects on Local Services*)
93. The applicant shall construct pedestrian facilities in accordance with Attachment A. The pedestrian paths shall extend to the boundaries of Phase 12. (*Section 3-2-8(b)(v)(F) and Section 5-4-8, RCSR, Effects on Local Services and Public Health & Safety*)

### **RECOMMENDED MITIGATING CONDITIONS OF APPROVAL SPECIFIC TO PHASE 13**

94. Portions of Wrangler Trail from its intersection with Getalong Trail east to its intersection with Painted Pony Lane and from its intersection with Flatiron Ranch Road north to its intersection with Painted Pony Lane, Cow Track, Painted Pony Lane, Palamino Circle, and Lariat Loop, shall be constructed pursuant to the approved road plans. Additionally, all road name and traffic control signs, for Phase 13, shall be installed. (*Final Plat Requirements 1, 16, 17 & 26*)
95. The applicant shall construct pedestrian facilities in accordance with Attachment A. The pedestrian path shall extend to the boundaries of Phase 13. (*Section 3-2-8(b)(v)(F) and Section 5-4-8, RCSR, Effects on Local Services and Public Health & Safety*)

### **RECOMMENDED MITIGATING CONDITIONS OF APPROVAL SPECIFIC TO PHASE 14**

96. Wrangler Trail shall be completed and Open Range Lane, Silver Spur Street, and Painted Pony Court, shall be constructed pursuant to the approved road plans. Additionally, all road name and traffic control signs, for Phase 14, shall be installed. (*Final Plat Requirements 1, 16, 17 & 26*)
97. A 60-foot wide conditional public roadway easement and conditional public utility easement shall be shown on the final plat for Phase 14 from the end of Silver Spur Street to adjacent property to the east. The conditional public roadway and conditional public utility easement shall be located along the boundary between lots 300 and 299 and shall be split evenly between the two lots. (*Section 3-2-8(a) and Section 5-4-4(d), RCSR, Prerequisites for Approval and Road Layout Standards*)
98. A 60-foot wide conditional public roadway easement and conditional public utility easement shall be shown on the final plat for Phase 14 north off of Wrangler Trail between Painted Pony Lane and Open Range Lane to adjacent property to the

north. The conditional public roadway and conditional public utility easement shall connect to the northern most boundary line of the subdivision across CA Lot 24 as shown on the preliminary plat. (*Section 3-2-8(a) and Section 5-4-4(d), RCSR, Prerequisites for Approval and Road Layout Standards*)

99. The final plat of this phase shall contain the following language: "Any proposed subdivision with internal subdivision roadways of the property adjoining the conditional public roadway and conditional public utility easement extending from Silver Spur Street or through Common Area #24 shall provide for a physical roadway connection through the conditional public roadway and conditional public utility easement". (*Section 3-2-8(b)(v)(D), RCSR, Prerequisites for Approval and Effects on Local Services*)
100. The applicant shall construct pedestrian facilities in accordance with Attachment A. The pedestrian path shall extend to the boundaries of Phase 14. (*Section 3-2-8(b)(v)(F) and Section 5-4-8, RCSR, Effects on Local Services and Public Health & Safety*)

#### **RECOMMENDED MITIGATING CONDITIONS OF APPROVAL SPECIFIC TO PHASE 15**

101. Parkside Way, Stampede Lane, Cowpoke Circle, Stallion Place, Chaparral Way, and Buckaroo Circle shall be constructed pursuant to the approved road plans. Additionally, all road name and traffic control signs, for Phase 15, shall be installed. (*Final Plat Requirements 1, 16, 17 & 26*)
102. A 60-foot wide conditional public roadway easement and conditional public easement shall be shown on the final plat for Phase 15 east off of Parkside Way between Stallion Place and Chaparral Way to adjacent property to the east. The conditional public roadway and conditional public utility easement shall be located along the boundary between Lots 237 and 238 and shall be split evenly between the two lots. (*Section 3-2-8(a) and Section 5-4-4(d), RCSR, Prerequisites for Approval and Road Layout Standards*)
103. The final plat of this phase shall contain the following language: "Any proposed subdivision with internal subdivision roadways of the property adjoining the conditional public roadway and conditional public utility easement extending from Parkside Way shall provide for a physical roadway connection through the conditional public roadway and conditional public utility easement". (*Section 3-2-8(b)(v)(D), RCSR, Prerequisites for Approval and Effects on Local Services*)
104. A 50-foot wide no-build/alteration zone shall be placed on the final plat along the east boundary of Phase 15. The no-build easement shall follow the Gird Creek (Ward Ditch Lateral W-19) alignment as shown on the preliminary plat and defined in the Gird Creek Floodplain Study. (*Section 3-2-8(a), Prerequisites to Approval and Section 3-2-8(b)(v)(B) and 5-6-1, RCSR, Effects on Agricultural Water User Facilities and Irrigation Easements*)

105. The applicant shall construct pedestrian facilities in accordance with Attachment A. The pedestrian paths shall extend to the boundaries of Phase 15. (*Section 3-2-8(b)(v)(F) and Section 5-4-8, RCSR, Effects on Local Services and Public Health & Safety*)

### **FINAL PLAT REQUIREMENTS (RAVALLI COUNTY SUBDIVISION REGULATIONS)**

*The following items shall be included in the final plat submittal for each phase, as applicable, as required by the Ravalli County Subdivision Regulations, Section 3-4-4(a) et seq. Infrastructure improvements, as shown on the preliminary plat, are required to be installed prior to the filing of each phase. Certain standards may change over the course of the 30-year phasing period. Final plat submittals for each phase will be required to meet the applicable standards in place at the time of filing. [Staff Note: items in ~~strikethrough~~ are not applicable to this subdivision]*

1. A statement from the project surveyor or engineer prior to final plat approval outlining how each final plat requirement or condition of approval has been satisfied.
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.) The final plat shall conform to the preliminary plat decision. In accordance with the conditions of approval and RCSR Section 3-4-4(a)(ii), the following features are required, when applicable, to be shown 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) High-pressure gas lines
  - (dd) 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. Road and driveway approach and encroachment permits 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 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. Evidence that improvements have been made in accordance with the conditions of approval and requirements of final plat approval and certified by the applicant, 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 that may be required for this subdivision are the construction of the internal subdivision roads, community water and wastewater facilities, installation of required storm water conveyance systems and detention/retention systems, installation of stop signs and road name signs, installation of the emergency access roadway and knockdown bollards, construction of the pedestrian pathways, installation of flood control berms along Gird Creek, installation of the CBU and concrete slab, construction of the bus shelters and/or turnouts, and irrigation facilities.

## 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:

#### **A. Provides easements within and to the proposed subdivision for the location and installation of any planned utilities.**

##### Findings of Fact

1. In order to provide utility amenities to residents within a subdivision and also develop the subdivision in accordance with applicable local, state and federal regulations, the basic utilities considered necessary for the development of a subdivision include gas, water, sewer, electricity, telephone, roads, and stormwater control. (Staff Determination)
2. An existing buried electrical line runs from Golf Course Road/State Hwy S-277 northeast to the existing pivot on the boundary of the proposed subdivision. This electrical line is proposed to be relocated to be within the proposed street right-of-ways, except where it leaves Flatiron Ranch Road on the west side of Lot 267 and runs north to the subdivision boundary. The electrical line, where it leaves Flatiron Ranch Road, is proposed to be located within the proposed 20-foot irrigation easement along with the relocated irrigation line. (Flatiron Ranch Preliminary Plat Sheets 3, 4 and 7)

3. Proposed utilities will be located within the 60-foot public road right-of-ways that will be owned and maintained by the FlatIron Homeowners' Association. (FlatIron Ranch Preliminary Plat and FlatIron Subdivision Application)
4. Developers own an additional parcel abutting the west side of proposed Lot 267. A blanket access and utility easement will be placed on this proposed off-site utility lot for the purpose of a proposed water storage tank and a proposed water system mechanical building. A proposed 60-foot wide private access easement traverses Common Area #20 to provide access to this off-site utility lot. (FlatIron Ranch Preliminary Plat Sheet 7 and Conditions of Preliminary Plat Approval)
5. All common area lots will be covered by a blanket public utility easement and private access easement for the benefit of FlatIron Ranch Homeowner's Association and FlatIron Ranch residents. (FlatIron Ranch Preliminary Plat Sheet 2)
6. C.A. lots 17 and 21 are proposed to have wastewater infiltration/percolation areas. These wastewater facilities will be protected by the blanket utility easement placed on all C.A. lots within the subdivision. (FlatIron Ranch Preliminary Plat Sheet 3 and 7)
7. C.A. lot 26 is proposed to contain the wastewater treatment plant for the entire development. The wastewater treatment plant will be protected by the blanket utility easement placed on all C.A. lots within the subdivision. (FlatIron Ranch Preliminary Plat Sheet 8)
8. All wastewater for the subdivision shall be carried to the wastewater treatment plant via a gravity sewer main located within the road rights-of-way. The treated wastewater shall be then pumped from the wastewater treatment plant to the drainfield/percolation areas via a force main that is located partially within road rights-of-way and within C.A. Lots 17 and 21. Where the force main is located within C.A. Lots 17 and 21, it will be protected by a blanket public utility easement placed on all C.A. lots within the subdivision. (FlatIron Ranch Preliminary Plat Sheets)
9. All new utilities within this subdivision are proposed to be underground. This includes sewer, water, stormwater, power, gas and telephone services. (FlatIron Ranch Subdivision Plat Sheets and Application)
10. Existing overhead power, underground gas and telephone services run along Golf Course Road/State Hwy S-277, Duus Lane and the southern portion of the proposed subdivision. These existing utilities are not proposed to be removed as they provide services to other properties in the area. (FlatIron Ranch Preliminary Plat Sheets 3-5 and FlatIron Ranch Subdivision Application – Environmental Assessment Section III(vi))
11. Existing overhead power runs from Golf Course Road/State Hwy S-277, through C.A. Lot 1 and connects into the existing buried power within the existing 60-foot access and utility easement to be abandoned. This overhead power line is proposed to remain in place. (FlatIron Ranch Preliminary Plat Sheet 4 and FlatIron Ranch Subdivision Application – Environmental Assessment Section III(vi))
12. On C.A. lot 19 the existing well is proposed to be removed. (FlatIron Ranch Preliminary Plat Sheets 3 and 7)
13. On C.A. lot 19 the existing septic tank is proposed to be removed. (FlatIron Ranch Preliminary Plat Sheets 3 and 7)

14. C.A. lot 19 will contain the three proposed wells that will provide water for the community water system for the entire subdivision. These wells will be protected by a blanket utility easement placed on all C.A. lots within the subdivision. Mains are proposed to convey the water to the off-site storage area on the utility lot adjacent to proposed Lot 267. (Flatiron Ranch Preliminary Plat Sheets 3 and 7)
15. Existing buried power runs through C.A. lot 8, Lots 172, 173, 178, 213 and C.A. lot 9. This buried power line is proposed to be removed. (Flatiron Ranch Preliminary Plat Sheet 6)
16. 20-foot stormwater drainage easements are proposed along certain lot lines within the subdivision to convey storm water runoff to detention/retention areas or existing drainage ways. Certain lengths of the conveyance infrastructure located within these easements are proposed to be day-lighted and other lengths are proposed to be piped. (Flatiron Preliminary Plat Sheets 7 and 8)
17. Proposed sewer mains, water mains, sewer force mains, and stormwater conveyance and control structures will be located within the C.A. lots and the proposed internal road 60-foot right-of-ways. All utilities located within C.A. lots will be protected by a blanket utility easement placed on all C.A. lots within the subdivision. Further, all C.A. lots and road right-of-ways will be owned and maintained by the Flatiron Ranch Homeowners' Association. (Flatiron Ranch Preliminary Plat all sheets; Flatiron Ranch Subdivision Application – Environmental Assessment)
18. Proposed underground power, gas and telephone services will be located within the proposed road rights-of-way. These utilities will be extended by the utility that operates them when each phase is complete. (Flatiron Ranch Subdivision Application)
19. Lots will be accessed by an internal network of roadways. These roadways are proposed to be located within 60-foot wide easements that will be maintained by the homeowners association, and will be available for use by the public. (Flatiron Ranch Preliminary Plat all sheets)
20. The weight of the evidence regarding availability to utilities indicates that all lots within the subdivision will have adequate access to the utility amenities considered necessary for the development of a subdivision. (Staff Determination)

#### Conclusions of Law

1. Existing and proposed utility easements are required to be shown on the final plat of each phase. (Final Plat Requirement 2)
2. The preliminary plat and associated application materials present credible evidence that there are easements for the location and installation of planned utilities. (Staff Determination)
3. The proposed subdivision application provides for utility easements within and to the proposed subdivision. (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 has one existing private access onto Golf Course Road that serves as access to an existing single family residential dwelling, associated out

- buildings, and serves as access for agricultural activities on the property. (FlatIron Ranch Preliminary Plat and Subdivision Application)
2. The existing private access onto Golf Course Road is presently located within an existing 60-foot wide access and utility easement. The existing access and utility easement is proposed to be removed and re-vegetated.
  3. A new access into the subdivision will be constructed to the west of the existing residential access. This will provide for public access on the western portion of the subdivision via FlatIron Ranch Road. (FlatIron Ranch Preliminary Plat Sheets 3 and 4)
  4. Golf Course Road is a State Highway that is maintained by the Ravalli County Road and Bridge Department. (Subdivision Application Form)
  5. Golf Course Road serves as the primary access to the subdivision, as it is likely most if not all vehicular traffic will utilize Golf Course Road to make way to US Highway 93. The Trip Distribution and Traffic Assignment calculations included in the Traffic Impact Analysis prepared along with this subdivision indicate that likely zero (0) trips per day will utilize Duus Lane and its connecting roadway system to access US Highway 93. (FlatIron Ranch Subdivision Application)
  6. One new access, Legend Trail, is proposed onto Golf Course Road. Legend Trail will provide access to the east side of the proposed subdivision and is directly across from the Golf Course Road/Duus Lane intersection. (FlatIron Ranch Preliminary Plat Sheets 5, and the FlatIron Ranch Subdivision Application)
  7. The applicant has applied for approach permits through the Ravalli County Road and Bridge Department (RCRBD) to access Golf Course Road at the proposed intersections of Legend Trail and FlatIron Ranch road. Securing approach permits through RCRBD will ensure legal access is obtained. However, approval of the subdivision does not necessarily mean approach permits will be approved. (Ravalli County Access Encroachment Policy (Commissioner Resolution # 2287))
  8. The applicant is proposing a Road Maintenance Agreement (RMA) consistent with the Ravalli County Subdivision Regulations. An RMA will ensure that physical access is maintained to all lots by assigning maintenance responsibilities. (FlatIron Ranch Subdivision Application)
  9. The applicant has proposed to construct an internal road system meeting County Road Standards. The internal roads will connect to either FlatIron Ranch Road or Legend Trail which serve as the primary internal access roads to the subdivision from Golf Course Road. (FlatIron Ranch Preliminary Plat and FlatIron Ranch Subdivision Application)
  10. Each proposed lot will abut the internal road network. (FlatIron Ranch Preliminary Plat)
  11. An emergency access is provided to connect Getalong Trail to Tammany Lane. (FlatIron Ranch Preliminary Plat and Hamilton Fire District Correspondence)
  12. The emergency access is proposed to be constructed per Hamilton Rural Fire District's Specifications. The proposed emergency access will cross land north of the proposed subdivision to access Tammany Lane. This land is owned by the developers. The emergency access will be located within a 30-foot wide emergency access easement from the right of way line of Getalong Trail to Tammany Lane. The emergency access will not be used for normal access to lots within the subdivision, and will only be used in times of emergency. (FlatIron Ranch Preliminary Plat)

13. Conditional roadway easements to adjacent property have been provided for off of Morning Glow Road, Silver Spur Street, Canter Loop, FlatIron Ranch Trail, and Wrangler Trail. These easements are intended to connect the internal roadway network of the FlatIron Ranch subdivision with that of adjacent properties in the event those properties are subdivided in the future. (FlatIron Ranch Preliminary Plat)
14. The access for FlatIron Ranch Road will have to cross an existing unnamed drainage ditch and associated riparian area to access Golf Course Road. The proposed location of the FlatIron Ranch Road access is in a suitable location as to minimize disturbance of the existing ditch and riparian areas. (Staff Site Visit 10/12/10)
15. The access for FlatIron Ranch Road will have to cross an existing agricultural covenant. The access will split the agricultural covenant area into several lots. The applicant has provided a letter requesting revocation of the agricultural covenant, and it is anticipated that the agricultural covenant will be removed if the subdivision is approved. (FlatIron Ranch Preliminary Plat Sheet 3 and FlatIron Ranch Subdivision Application)
16. The weight of the evidence regarding legal and physical access indicates that all lots within the subdivision will have adequate legal and physical access. (Staff Determination)

#### Conclusions of Law

1. Legal Access will be provided to each proposed lot within the subdivision via Golf Course Road (a State Highway maintained by Ravalli County), FlatIron Ranch Road and Legend Trail, proposed privately-maintained internal roadways, and via an internal road system that will be constructed to county standards for new construction. Additionally, an emergency only access will connect the internal road network with Tammany Lane. (Staff Determination)
2. Based on the facts that there are no elements or features preventing unobstructed access to the site, there are no elements or features preventing unobstructed access to the proposed lots on-site, and that a Road Maintenance Agreement will be filed with the final plat of each phase, the subject property will have physical access. (Staff Determination)
3. The preliminary plat and associated application materials present credible evidence that there is legal and physical access to each parcel within the proposed 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.**

#### Findings of Fact

1. Based on recommended conditions and final plat requirements in accordance with Section 3-4-4(a) of the RCSR, specific infrastructure improvements that may be required for this subdivision are: the construction of the internal subdivision roads, community water and wastewater facilities, installation of required storm water conveyance systems and detention/retention systems, installation of stop signs and road name signs, installation of the emergency access roadway and knockdown bollards, construction of the pedestrian pathways, installation of flood control berms along Gird Creek, installation of the

- CBU and concrete slab, construction of the bus shelters and/or turnouts, and irrigation facilities.
2. In accordance with Section 3-4-2 of the RCSR, the applicant may enter into a Subdivision Improvements Agreement and Guaranty, securing the required improvements through a bond, letter of credit, or other acceptable security, as approved by the BCC.
  3. Phasing allows a applicant to complete improvements in manageable installments. The requirements and conditions attendant to each phase of this project will ensure that the improvements are complete before the final plat of each phase is filed. The improvements in a prior phase must be completed or the payment or guarantee of payment for the costs of the improvement incurred in a prior phase must be satisfied before the development of future phases. (Staff Determination, 76-3-507(2)(b), MCA)
  4. The weight of evidence indicates that all required improvements will be installed before final plat approval of each phase. (Staff Determination)

#### 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 of each phase and certified by the applicant prior to final plat approval of each phase. (Final Plat Requirements 1 and 26)
  2. The final plat requirements or a Subdivision Improvements Agreement and Guaranty will ensure that all improvements are installed for each phase. (Staff Determination)
  3. Approval by the governing body of a final plat prior to the completion of required improvements and without the provision of the security required under 76-3-507(2), MCA is not an act of a legislative body for the purposes of 2-9-111, MCA. (76-3-507(3), MCA)
  4. The governing body may require a percentage of improvements or specific types of improvements necessary to protect public health and safety to be completed before allowing bonding or other reasonable security under 76-3-507(2)(a), MCA, for purposes of filing a final plat. (76-3-507(4), MCA)
  5. The requirements of final plat approval provide credible evidence that this prerequisite will be met. (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 of the RCSR have been considered and will be accomplished before the final plat is submitted.**

#### Finding of Fact

1. According to the subdivision application, the average lot size is 0.67 acres. (FlatIron Subdivision Application)
2. The subject property has water shares administered by Daly Ditches. Only Daly Ditches has the legal authority to administer, split or reassign the water rights under its domain. (FlatIron Ranch Subdivision Application)
3. The subject property will remain in the Daly Ditches Irrigation District and each property owner and the homeowner's association will pay assessment fees based on the amount of property owned. The assessments will be paid on individual property tax bills on a yearly basis. (FlatIron Ranch Subdivision Application)

4. The weight of the evidence provides assurance that the disclosure and disposition of water rights/shares was considered by the proper parties. Further, the final plat requirements provide that the disposition of water rights/shares will be accomplished before the final plat of each phase is submitted. (Staff Determination)

#### 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 applicant is required to:
  - (i) 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;
  - (ii) 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
  - (iii) reserve and sever all surface water rights from the land.
2. Since the property has water shares administered through Daly Ditches, a private entity that provides for the use of the water right/share, the applicant will be required to 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 in order to comply with 76-3-504(1)(j)(ii), MCA.
3. The preliminary plat, associated application materials and requirements of final plat approval present credible evidence that the disclosure and disposition of water rights will be accomplished before final plat approval of each phase. (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 of the RCSR have been considered and will be accomplished before the final plat is submitted.**

#### Findings of Fact

1. An existing irrigation ditch, Gird Creek (Ward Ditch Lateral W-19) enters the property on the western boundary of proposed Lot 206 and continues north, at which point the irrigation ditch leaves the subdivision on the northern boundary of Lot 222 and re-enters the subdivision on the western boundary of proposed Lot 241 and continues north beyond the proposed subdivision boundary. (FlatIron Ranch Preliminary Plat Sheets 5, 6 and 7)
2. An unnamed drainage flows along the north side of Golf Course Road, beginning where the road curves to the northwest and flows off-site at the western property boundary. (FlatIron Ranch Preliminary Plat Sheets 3, 4, and 5)
3. An existing irrigation ditch (Hedge Ditch) lies northwest of the proposed subdivision. Hedge Ditch is not on the proposed property and no water is proposed to be used from the Hedge Ditch. (FlatIron Ranch Preliminary Plat Sheet 8 and FlatIron Ranch Subdivision Application)

4. An existing gravity-fed irrigation pipeline, known as W-15A, crosses onto the property underneath Golf Course Road and runs north to the adjacent Tammany Estates. The pipeline serves lots 1-5 of Tammany Estates and the FlatIron property. The majority of the pipeline is proposed to remain in place and the northern portion of the pipeline is proposed to be relocated. (FlatIron Ranch Preliminary Plat Sheets 3 and 7)
5. Daly Ditches Irrigation District distributes water for Grid Creek (Ward Ditch Lateral W-19), Hedge Ditch and irrigation pipeline W-15A. Only Daly Ditches can give approval to relocate irrigation ditches under their jurisdiction. (FlatIron Ranch Subdivision Application)
6. A 20-foot irrigation easement for the exclusive use of Lots 1-5 of Tammany Estates will be provided for the W-15A pipeline on the final plat. (FlatIron Ranch Preliminary Plat Sheets 3 and 7)
7. A 40-foot ditch easement is proposed for Grid Creek (Ward Ditch Lateral W-19) where it enters the property on Lot 206 and leaves the subdivision on Lot 222. Additionally a 10-foot fence easement and a fence are proposed. The entire ditch and fencing easements will also be protected by a 50-foot no build/alteration zone. (FlatIron Ranch Preliminary Plat Sheets 5 and 6)
8. A 30-foot ditch easement is proposed for the Grid Creek (Ward Ditch Lateral W-19) where it enters the property on Lot 241 and heads north. Additionally a 10-foot fence easement and a fence are proposed. The entire ditch and fencing easements will also be protected by a 50-foot no build/alteration zone. (FlatIron Ranch Preliminary Plat Sheet 7)
9. A 60-foot ditch easement is proposed for the unnamed drainage along Golf Course Road. (FlatIron Ranch Preliminary Plat Sheets 3, 4, and 5)
10. Condition 1 (notifications document) provides disclosure, in a manner acceptable to the local governing body, that adequately notifies potential buyers of lots that they may continue to be assessed for irrigation water delivery even though the water may not be deliverable. (Staff Determination)
11. The weight of the evidence submitted with the preliminary plat submittal indicates that ditch easements have been considered and their placement accomplished prior to final plat approval of each phase. (Staff Determination)

#### Conclusions of Law

1. 76-3-504(1)(k)(ii) MCA states that the applicant is not required to establish ditch easements in the subdivision if:
  - a. the average lot size is 1 acre or less and the applicant provides for disclosure, in a manner acceptable to the governing body, that adequately notifies potential buyers of lots that are classified as irrigated land and may continue to be assessed for irrigation water delivery even though the water may not be deliverable; or
  - b. the water rights are removed or the process has been initiated to remove the water rights from the subdivided land through an appropriate legal or administrative process and if the removal or intended removal is denoted on the preliminary plat. If removal of water rights is not complete upon filing of the final plat, the applicant shall provide written notification to prospective buyers of the intent to remove the water right and shall document that intent, when applicable, in agreements and legal documents for related sales transactions.

2. The proposed subdivision is consistent with the requirements of 76-3-504(1)(k)(ii). (Staff Determination)
3. With the proposed irrigation easements shown on the plat, the proposal will conform with the provisions of 76-3-504(1)(k), MCA. This will ensure that downstream water users are protected. (Staff Determination)
4. The preliminary plat and application materials present credible evidence that ditch easements have been considered and their placement accomplished prior to final plat approval of each phase. (Staff Determination)

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

**Findings of Fact**

1. The proposal is for a 396 lot mixed-use major subdivision. Of those lots, 389 are proposed for individual residential, four are proposed for commercial use, and three are proposed to contain condominiums. There are proposed to be a total of 162 condominium units spread over the three condominium lots. There will be a total of 551 residential units ultimately constructed within this subdivision. (FlatIron Ranch Subdivision Application)
2. Though there are commercial units proposed, they are not counted toward the required parkland dedication. (76-3-621(3)(b), MCA)
3. Donation or reservation of 18.77 acres of land, or its cash equivalent, is required to meet the parkland donation requirement. (FlatIron Ranch Subdivision Application)
4. The applicant has proposed to utilize 117.52 acres of common area within the subdivision as credit toward their parkland dedication requirement. The common areas will be owned and maintained by the FlatIron Ranch Homeowner's Association. (FlatIron Ranch Subdivision Application)
5. The total proposed parkland to be dedicated through the first three phases of the subdivision is 21.5 acres, which exceeds the total parkland dedication amount by 2.73 acres. (Territorial-Landworks Updated Comments – 5/23/11)
6. Common areas within the subdivision may contain a blanket easement on the final plat of each phase that dedicates it for recreational purposes for the exclusive use of FlatIron Ranch Residents. The proposal also provides for several miles of public bike and pedestrian paths throughout the majority of common area lots within the subdivision. (FlatIron Ranch Preliminary Plat all sheets)
7. The preliminary plat provides for a development with land permanently set aside for park and recreational uses that exceeds the area of dedication required under 76-3-621(1), MCA. (FlatIron Ranch Subdivision Application and Staff Determination)
8. The evidence in the application provides great weight that the subdivision provides for the appropriate park dedication as required by State Law. (Staff Determination)

**Conclusions of Law**

1. In accordance with 76-3-621(6)(a), MCA, The local governing body shall waive the park dedication requirement if:
  - (i) the preliminary plat provides for a planned unit development or other development with land permanently set aside for park and recreational

- uses sufficient to meet the needs of the persons who will ultimately reside in the development; and
- (ii) the area of the land and any improvements set aside for park and recreational purposes equals or exceeds the area of the dedication required under 76-3-621(1), MCA. (See also Section 6-1-8(b)(i), RCSR)
2. Because the applicant has proposed open space within the subdivision for the recreational use of its resident's that meets State Law requirements, the required park dedication requirement is waived. (Staff Determination)
  3. The preliminary plat presents credible evidence that the appropriate park dedication has been considered. (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 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. (FlatIron Ranch 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. (FlatIron Ranch Subdivision File and Staff Determination)
3. The application includes all necessary and applicable information sufficient for public review. (Staff Determination)

##### **Conclusions of Law**

1. The preliminary plat and subdivision application meet applicable substantive requirements in the RCSR. (Staff Determination)
2. The procedures for the application and review of this proposed subdivision have been followed. (Staff Determination)

#### **B. Applicable zoning regulations.**

##### **Finding of Fact**

There are no applicable zoning regulations affecting the proposed subdivision. (Staff Determination)

##### **Conclusion of Law**

Compliance with zoning regulations is not applicable for this proposal. (Staff Determination)

#### **C. Existing covenants and/or deed restrictions.**

##### **Finding of Fact**

1. There is an existing agricultural covenant created by COS #2258. This agricultural covenant is located on a lot that is adjacent to Golf Course Road and contains the existing unnamed drainage ditch. (FlatIron Ranch Subdivision Application and Preliminary Plat Sheets 3,4 and 5)

2. The applicant has provided a letter as part of the subdivision application formally requesting the revocation of the existing agricultural covenant depicted on COS #2258, and it is anticipated the agricultural covenant will be lifted with subdivision approval. (FlatIron Ranch Subdivision Application)
3. If the agricultural covenant is approved for revocation, the land will become part of the proposed subdivision as C.A. lot 28 and C.A. lot 1 and will be owned by the FlatIron Ranch Homeowner's Association and used as common area for the recreational use of FlatIron Ranch residents. (FlatIron Ranch Preliminary Plat Sheets 3 and 4 and the Subdivision Application)

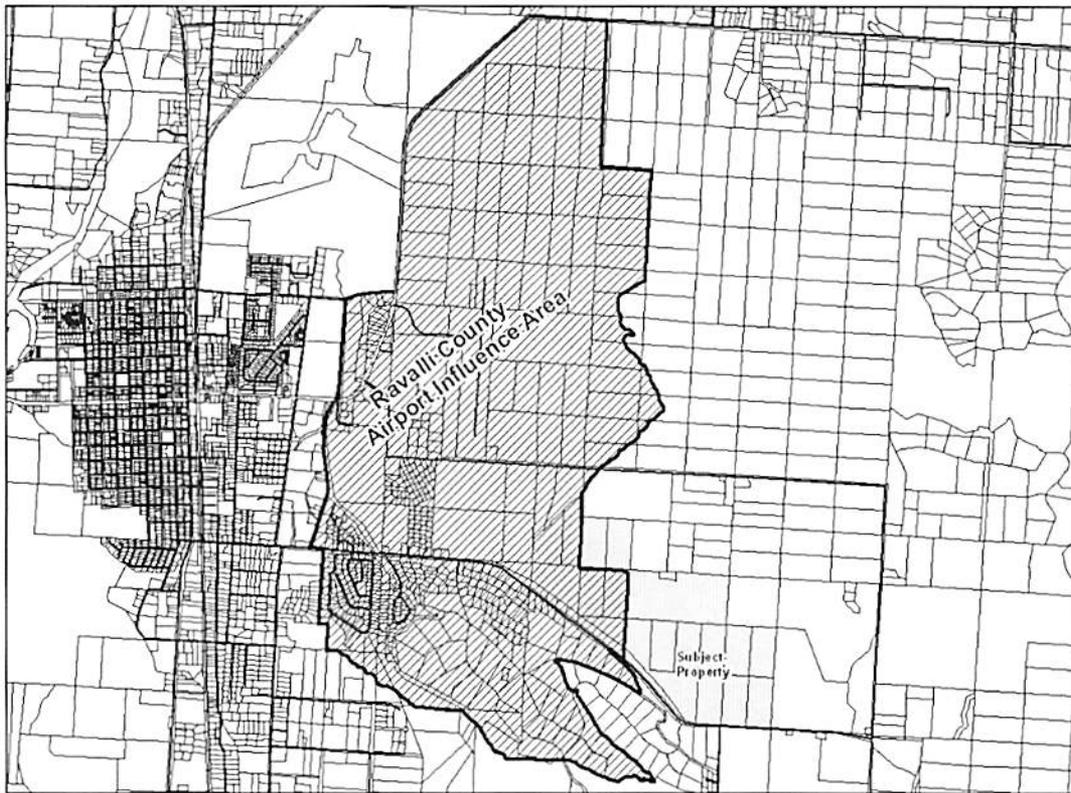
#### Conclusions of Law

1. The applicant has complied with the process of requesting a revocation of the agricultural covenant as depicted on COS #2258. (Staff Determination)
2. With the removal of the agricultural covenant, the subdivision will comply with existing covenants and deed restrictions. (FlatIron Ranch Subdivision Application)
3. There are no other covenants or deed restrictions to comply with. (FlatIron Ranch Subdivision Application)

#### **D. Other applicable regulations.**

##### Findings 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 (Floodplain, U.S. Army Corps of Engineers, Bitterroot Conservation District, Ravalli County Road & Bridge Department, Montana Department of Transportation, Montana Department of Environmental Quality, etc.)
2. The applicant was made aware of the applicable regulations at the pre-application conference held on March 17, 2006 and again at an updated pre-application conference held on June 13, 2007. (FlatIron Ranch Subdivision Application)
3. Portions of the proposed subdivision are within the Ravalli County Airport Influence Area (AIA), adopted by the Ravalli County Board of Commissioners on January 28, 2004, and are therefore subject to the AIA regulations. (See Map 2, below) (Commissioner Resolution No. 1366)



**Map 2:** Location of Airport Influence Area relative to FlatIron property.  
 (Data Source: Ravalli County Clerk and Recorder, GIS, and Planning Department)

4. Section 2.03.A. of the AIA regulations states: "...no person may recover from local government damages caused by noise and vibrations from normal and anticipated normal airport operations within this area based on the Airport Layout Plan adopted on June 10, 2003.
5. The majority of the property proposed for development lies under the "horizontal zone", an imaginary surface 150 feet above the elevation of the airport elevation, which according to the AIA regulations is 3,649 feet above mean sea level. Therefore, the horizontal zone is 3,799 feet above mean sea level. No structure shall be erected, altered, nor shall any tree be allowed to grow in the subdivision to a height in excess of 3,799 feet above mean sea level. (AIA regulations section 2.04.A.4.)
6. The applicant has proposed a building height limit of 45-feet for all structures on the subdivision property. (Territorial-Landworks Updated Comments – 5/23/11)
7. Correspondence from the Federal Aviation Administration, date 5/10/2010, indicates the following (Exhibit A-16):
  - a. The impact on arrival, departure, and en route procedures for aircraft operating under visual flight rules follows: Impact – Three points of the project exceed the horizontal surface: 2010-ANM-177-OE by 17 feet, 2010-ANM-179-OE by 28 feet and 2010-ANM-180-OE by 15 feet. One point exceeds the transitional surface: 2010-ANM-179-OE by 27 feet.
  - b. The impact on arrival, departure, and en route procedures for aircraft operating under instrument flight rules follows: none.

- c. The impact on all-existing public-use airports and aeronautical facilities follows: none.
- d. The impact on all planned public-use airports and aeronautical facilities follow: none.
- e. The cumulative impact resulting from the proposed construction or alteration of a structure when combined with the impact of other existing or proposed structures follows: none.
- f. It was determined by the FAA that the proposed construction would not have substantial adverse effect on the safe and efficient use of navigable airspace by aircraft.
- g. The FAA also stated that the proposed subdivision and residences lie with the 6S5 traffic pattern and may be subject to overhead aircraft noise on a regular basis. They suggest the applicant coordinate with the Ravalli County Airport Authority to acquire property disclosure statements or aviation easements to protect the airport environment in accordance with Federal Grant Assurances.

**Conclusions of Law**

- 1. Prior to final plat approval of each phase, the applicant is required to submit applicable permits and evidence that they have met applicable regulations. (Section 3-4-4(a), RCSR)
- 2. With the requirements of final plat approval of each phase, 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:**

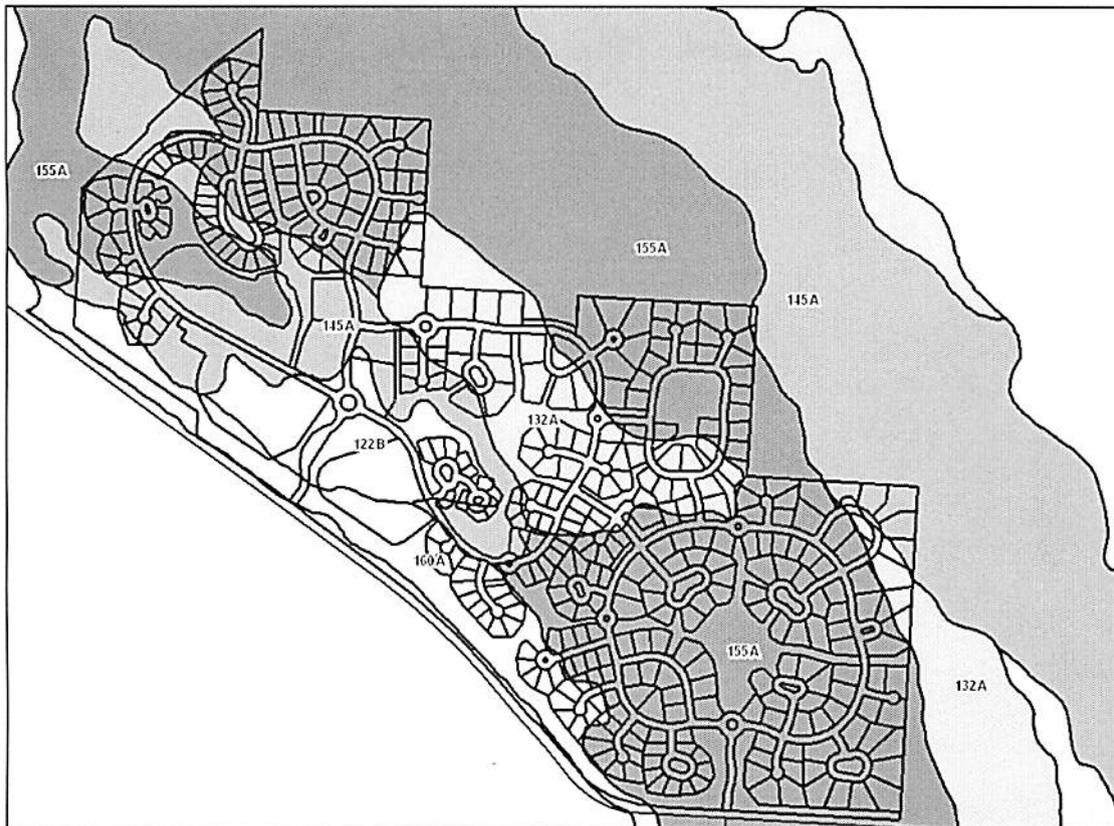
**Adjacent/On-Site Agricultural Operations**

- 1. The subject parcel is classified for tax purposes as agricultural/rural. (Montana Cadastral Database created by Montana Department of Administration)
- 2. The surrounding properties within 300 feet of the subject property are classified as agricultural. The majority of properties surrounding the subject property are classified for tax purposes as agricultural rural, and range in size from one to one hundred and sixty acres. (Montana Cadastral Database created by Montana Department of Administration, Information Technology Services Division, Geographic Information Services and FlatIron Ranch Preliminary Plat and FlatIron Ranch Subdivision Application)
- 3. The land has been used to produce hay and alfalfa. (FlatIron Ranch Subdivision Application)
- 4. On a site visit on October 12, 2010, staff observed that the site was being used for agricultural purposes. The majority of the site appeared to be used for hay and alfalfa production. Some areas of the site appeared to be used as pasture, and cows were actively using the site for forage. (Staff Site Visit 10/12/10)
- 5. A 50-foot no-build zone, extending from Gird Creek (Ward Ditch Lateral W-19), has been proposed along its length where it traverses the property. The no-build zone will provide a buffer between the subdivision and existing agricultural operations to the east of the proposal. (Territorial-Landworks Updated Comments – 5/23/11)

6. Planning Board members raised concern regarding the effects the dense residential development may have on adjacent agricultural operations. Of specific concern is the potential for incompatible uses butting up against each other and the complaints that may stem from homeowners within the Flatiron Ranch. Additionally, the potential for conflicts between livestock and stray pets was stated as a concern. (Planning Board Meeting Minutes – 6/8/11)
7. Public Testimony and written correspondence were provided at the June 8, 2011 Planning Board meeting from adjacent land owners Lindy Wemple, Jeff Duus, and Dan and Gabe Leonardi expressing concern with the impacts of the proposal on their adjacent agricultural operations. Mr. Duus letter requests the consideration of installing some type of buffer between the development and his adjacent cattle operation. (Exhibits B-18, B-20 and B-21 and Planning Board Meeting Minutes – 6/8/11)
8. To limit potential conflict between the residential development and adjacent agricultural operations, screening such as privacy fencing, along the eastern edges of the subdivision may be appropriate. (Staff Determination)
9. There is an agricultural covenant on a parcel of the proposed subdivision. The parcel is adjacent to Golf Course Road and is approximately 15.73 acres. The agricultural covenant states: "The subject property...will be used exclusively for agricultural purposes and no structures requiring water or sewage facilities are being utilized or will be erected or utilized on the subject property. Any change in land use requires that the subject property be reviewed under the provisions of the Montana Subdivision and Platting Act and the Sanitation and Subdivision Act." (Flatiron Ranch Subdivision Application and Preliminary Plat)
10. A revocation of the agricultural covenant has been requested as part of this preliminary plat application. (Flatiron Ranch Subdivision Application)
11. The agricultural covenant would be properly revoked if the subdivision is approved, and the parcel encumbered by the covenant would become common area. (Staff Determination)

#### Prime Farmland Soils

12. Soils data obtained from the NRCS Web Soil Survey indicate a mix of soil classifications located on the subject property. The soils are classified as prime farmland if irrigated, farmland of statewide importance and not prime farmland. Map 3 shows the mapped soils in relation to the proposed lot layout. (NRCS Web Soil Survey and Flatiron Ranch Subdivision Application)



**Map 3:** Soils classifications on the subject property.

(Data source: NRCS Web soil survey and Ravalli County Planning Department)

13. The soils are classified as follows (acres are approximates):
  - 122B: Not prime farmland (33.74 acres)
  - 132A: Prime farmland if irrigated (63.25 acres)
  - 145A: Farmland of Statewide importance (67.88 acres)
  - 155A: Farmland of Statewide importance (245.50 acres)
  - 160A: Not prime farmland (40.19 acres)
14. Bitterrooters for Planning submitted public comment that expresses concern with the loss of “prime farmland” soils. The letter states that the Board of County Commissioners should request a significant contribution from the developer that could be utilized to purchase and preserve an equivalent amount of agricultural lands. Additional public (Exhibit B-14)
15. Planning Board members found the effects on agriculture insufficiently mitigated as the amount of lost prime and statewide important farm soils could not be mitigated. (Planning Board Meeting Minutes – 6/8/11)

**Noxious Weeds**

16. The applicant submitted a Ravalli County Subdivision Noxious Weed Evaluation Form that stated common tansy, Canadian thistle, spotted knapweed, houndstongue, tall buttercup and ox-eye daisy were found on the property. (Flatiron Ranch 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), RCSR)

#### Prime Farmland Soils

2. The proposal will convert soils classified by the NRCS as "prime farmland if irrigated" and "farmland of statewide importance" from agricultural use to residential use. (Staff Determination)

#### Noxious Weeds

3. 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 re-vegetation plan, such as road construction, a plan shall be submitted to the weed board for approval by the board. (7-22-2152, MCA)
4. The approved Ground Disturbance and Noxious Weed Management Plan will be submitted prior to final plat approval of each phase. (Final Plat Requirement 11)

#### Overall Conclusion

5. Based on the findings of fact and conclusion of law, and subject to the conditions and requirement of final plat approval, potentially significant adverse impacts of the subdivision on agriculture will be sufficiently mitigated. (Staff Determination)

### **CRITERION 2: EFFECTS ON AGRICULTURAL WATER USER FACILITIES**

#### **Findings of Fact**

##### **Irrigation Infrastructure**

1. An existing irrigation ditch, Gird Creek (Ward Ditch Lateral W-19) enters the property on the western boundary of proposed Lot 206 and continues north, at which point the irrigation ditch leaves the subdivision on the northern boundary of Lot 222 and reenters the subdivision on the western boundary of proposed Lot 241 and continues north beyond the proposed subdivision boundary. (FlatIron Ranch Preliminary Plat Sheets 5, 6 and 7)
2. An existing irrigation ditch (Hedge Ditch) lies northwest of the proposed subdivision C.A. lot 26. Hedge Ditch is not on the proposed property and no water is proposed to be used from the Hedge Ditch. (FlatIron Ranch Preliminary Plat Sheet 8)
3. An existing gravity-fed irrigation pipeline, known as W-15A, crosses onto the property underneath Golf Course Road and runs north to the adjacent Tammany Estates. The pipeline serves lots 1-5 of Tammany Estates and the FlatIron property. The majority of the pipeline is proposed to remain in place with a portion on the north end to be relocated due to topographic constraints. (FlatIron Ranch Preliminary Plat Sheets 3 and 7 and FlatIron Ranch Subdivision Application)
4. Daly Ditches Irrigation District distributes water for Gird Creek (Ward Ditch Lateral W-19), Hedge Ditch, and W-15A. (FlatIron Ranch Subdivision Application)
5. A proposed 20-foot irrigation easement for the exclusive use of Lots 1-5 of Tammany Estates will be provided for the W-15A pipeline. (FlatIron Ranch Preliminary Plat Sheets 3 and 7)
6. A 40-foot ditch easement is proposed for the Gird Creek (Ward Ditch Lateral W-19) where it enters the property on Lot 206 and leaves the subdivision on Lot 222. Additionally a 10-foot fence easement and a fence are proposed. Further, a 50-foot

floodplain buffer no-build zone will be placed on the final plat to protect the area from encroachment. (FlatIron Preliminary Plat Sheets 5 and 6)

7. A 30-foot ditch easement is proposed for Gird Creek (Ward Ditch Lateral W-19 ) where it enters the property on Lot 241 and heads north. Additionally a 10-foot fence easement and a fence are proposed. Further, a 50-foot floodplain buffer no build zone will be placed on the final plat to protect the area from encroachment. (FlatIron Preliminary Plat Sheet 7)
8. A 60-foot ditch easement is proposed for the unnamed drainage along Golf Course Road. (FlatIron Ranch Preliminary Plat Sheets 3, 4, and 5)

#### Water Rights/Shares

9. The land to be subdivided is subject to a contract with Daly Ditches Irrigation District, which is a public entity formed to provide the use of water shares for subdivided and un-subdivided property. (FlatIron Ranch Subdivision Application)
10. The applicant is required to obtain a Beneficial Water Use Permit from the Department of Natural Resources and Conservation in order to utilize the proposed public water supply. (FlatIron Ranch Subdivision Application)

#### 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))

#### Irrigation Infrastructure

2. With the proposed irrigation easements shown on the plat, the proposal will conform with the provisions of 76-3-504(1)(k), MCA. This will ensure that downstream water users are protected. (Staff Determination)
3. Irrigation easements are required to be shown on the final plat of each phase. (Final Plat Requirement 2)

#### Water Rights/Shares

4. 76-3-504(1)(j), MCA states that when a subdivision creates parcels with lot sizes averaging less than 5 acres, the applicant is required to:
  - (i) 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;
  - (ii) 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
  - (iii) reserve and sever all surface water rights from the land.
5. Since the property has water shares administered through Daly Ditches, a private entity that provides for the use of the water right/share, the applicant will be required to 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 in order to comply with 76-3-504(1)(j)(ii), MCA.

6. An irrigation master plan will be required to be submitted and approved for conveyance of irrigation to C.A. lots within the subdivision. (Final Plat Requirement 22)

#### Overall Conclusion

7. Based on the findings of fact and conclusion of law, and subject to the conditions and requirements of final plat approval, potentially significant adverse impacts of the subdivision on agricultural water user facilities will be sufficiently mitigated. (Staff Determination)

#### **CRITERION 3: EFFECTS ON LOCAL SERVICES**

##### **Findings of Fact:**

##### **Fire District**

1. The subdivision is located within the Hamilton Rural Fire District (HRFD). (FlatIron Ranch Subdivision Application – Subdivision Questionnaire, Environmental Assessment, Ravalli County GIS Data)
2. The HRFD has a station approximately 3.1 miles northwest of the proposed subdivision. (Ravalli County GIS)
3. The HRFD, as a member of the Ravalli County Fire Council, has adopted Fire Protection Standards (FPS), which address access, posting of addresses, and on-site water supply requirements. The FPS 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-6)
4. The Ravalli County Planning Department sent notification letters to the HRFD requesting comments on the proposal on March 19, 2009, October 28, 2009, and November 15, 2010. (FlatIron Ranch Subdivision File)
5. HRFD Secretary Lisa Wade submitted correspondence dated December 9, 2010 (Exhibit A-2) stating that two accesses onto Golf Course Road are not sufficient for providing emergency services to the subdivision, and that a third permanent access connecting to Tammany Road would mitigate this concern. Additional comments received from the HRFD regarding the initial proposal stated that there are no negative effects to providing adequate fire protection services based on the fire flow water system proposed by the subdivision as summarized below:
  - a. The subdivision will provide a fire flow of 180,000 gallons of water in order to supply the required 1,500 GPM for two hours. Maintenance of the water supply will be the responsibility of the subdivision.
  - b. The commercial buildings will need to be engineered by the developer to determine if the proposed 1,500 GPM will be sufficient. If not, additional fire flow will need to be provided and/or the buildings will need to be sprinkled.
  - c. The subdivision will provide fire hydrants with spacing of 500 feet, or to State code. Responsibility for maintaining accessibility to the hydrants will be a part of the homeowner's association covenants.
  - d. All buildings are to be built to IRBC code.
  - e. Water main pipes are ten inches in diameter.
6. HRFD Secretary Lisa Wade signed a second correspondence, provided by Territorial-Landworks on January 19, 2010 (FlatIron Ranch Subdivision Application – Agency Correspondence), stating that the HRFD agrees to an alternative proposal regarding the third access to provide fire protection service since access to the

subdivision is a major concern. The HRFD requests the following for the emergency access:

- a. The emergency access easement could be gated.
  - b. The emergency access must be a permanent 22-foot wide road with an all weather surface suitable of carrying emergency vehicle and have a suitable permanent bridge structure over the Hedge Ditch.
  - c. The gate could be a knock down gate.
  - d. The emergency access must be completed in Phase 1 of the development.
  - e. The maintenance should be part of the homeowner's association covenants.
7. HRFD Secretary Lisa Wade signed correspondence on May 5, 2011, verifying that the proposed installation of 8-inch water mains and 6-inch hydrant lead pipes was acceptable to the HRFD as long as prior to phase filing flow testing prove that the minimum required water flow rate of 1,500 gpm, maintained for two hours is certified by the applicant. (Territorial-Landworks Updated Comments – 5/23/11)
  8. The proposed emergency access provides a connection from Tammany Lane to the internal subdivision road, Getalong Trail, and will function as an emergency-only access. A knock down gate will be installed to prohibit through traffic and limit physical access. (Flatiron Ranch Preliminary Plat Sheet 8)
  9. The proposed emergency access is to be constructed with a permanent 22-foot all weather surface per Hamilton Rural Fire District's Specifications. (Flatiron Ranch Preliminary Plat Sheet 8)
  10. The proposed emergency access crosses Hedge Ditch and adjacent property which are not part of the proposed subdivision. (Flatiron Ranch Preliminary Plat Sheet 8)
  11. The applicant states that there will be a proportionate increase in service needs based on the addition of new homes. (Flatiron Ranch Application)
  12. The applicant is proposing that fire hydrants be installed every 500 feet. (Flat Iron Ranch Subdivision Application)

#### School District

13. With this subdivision at full build-out, it is estimated that approximately 276 school-aged children will be added to the Hamilton School District, assuming an average of 0.5 children per household (Census 2000).
14. The Ravalli County Planning Department sent notification letters to the Hamilton School District requesting comments on the proposal on March 19, 2009, October 28, 2009, and November 15, 2010. (Flatiron Ranch Subdivision File)
15. In a letter dated June 15, 2011, Hamilton School District Superintendent Duby Santee recommended that the subdivision be assessed an \$800 per lot fee to offset the impacts the subdivision will have on the school district. The concern of the district is the potential influx of school aged children and the fact that enrollment increases are not accounted for until the following year. This puts a burden on the school district in the initial year. (Exhibit A-17)
16. The applicant anticipates that the property tax boost from the proposed Flatiron Ranch Subdivision will mitigate any impact to the school district from additional enrollment. (Flatiron Ranch Subdivision Application)
17. Taxes from new residents may not be immediately available to 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 applicant shall negotiate an adequate form of mitigation with the BCC. (Staff Determination)
18. 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 Hamilton School District would be \$1,442.50, which is half of the \$2,885.00 tax levy per pupil excluding capital budget allotment for the Hamilton School District. This amount (\$1,442.50) should be taken into consideration and may be utilized as the basis for negotiating an adequate form of mitigation to offset any effects that this subdivision may have on the Hamilton School District. Monetary contributions are not the only acceptable form of mitigation. (Exhibit A-12, Staff Determination)
  19. The applicant states that there will be a proportionate increase in service needs based on the addition of new homes. (FlatIron Ranch Subdivision Application)
  20. Due to the phased nature of this project, any potentially significant adverse impacts from new students on the school district will be sufficiently mitigated by the higher tax values paid by occupied tracts prior to each subsequent phase. (Territorial-Landworks Updated Comments – 5/23/11)
  21. 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-7)
  22. The applicant has proposed to provide designated bus areas off of Golf Course Road on the two proposed accesses, FlatIron Ranch Road and Legend Trail. The proposal does not specify whether bus shelters will be provided at these locations. (FlatIron Ranch Preliminary Plat Sheets 3 and 5)

#### Public Safety Services

23. The Ravalli County Sheriff's Office provides law enforcement services to this area. (FlatIron Ranch Subdivision Application)
24. Notification letters were sent to the Ravalli County Sheriff's Office requesting comments on March 19, 2009, October 28, 2009 and November 15, 2010, but no comments have been received to date. (FlatIron Ranch Subdivision File)
25. The average number of people per household in Ravalli County is 2.5. This subdivision has the potential to add up to 1,337 additional residents to the County. (Census 2000)
26. Taxes from new residents may not be immediately available to law enforcement services, E-911, and Disaster & Emergency Services (DES). There is currently no known available data 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. Because there may be a lag in the time services are provided and taxes are collected, the applicant shall negotiate an adequate form of mitigation with the BCC. (Staff Determination)
27. The applicant has not proposed to mitigate the potentially significant adverse impacts the subdivision may have on public safety services. (FlatIron Ranch Subdivision Application – Element)

#### Emergency Services

28. Ambulance services will be provided by Marcus Daly Memorial Hospital EMS Department. Marcus Daly Hospital was contacted on March 19, 2009, October 28, 2009 and November 15, 2010, but no comments have been received to date. (Flatiron Ranch Subdivision File)
29. Marcus Daly Memorial Hospital is not funded by local taxes. (Staff Determination)
30. The proposed emergency access onto Tammany Lane will provide an additional access route to and from the subdivision, resulting in a potential increased service level for emergency service providers. (Staff Determination)
31. The subdivision states that an increase in the local tax base will provide incremental funding for emergency services proportional to the increased demand. (Flatiron Ranch Subdivision Application)

#### Roads

32. The proposed subdivision is accessed from U.S. Highway 93, a State-operated highway (MDT) and Golf Course Road, a County-operated roadway (Exhibit A, RCSR).
33. From the intersection of Golf Course Road and U.S. Highway 93 along the access route to the proposed subdivision lie additional County-operated roadways that make up the Golf Course Road corridor. (Flatiron Ranch Subdivision Application and Staff Determination)
34. At full build-out this subdivision (a mix of single-family residential, condominium and commercial development) is estimated to generate an additional 5,243 vehicular trips per day onto Golf Course Road. This estimation is based on the information contained in the Institute of Traffic Engineers – *Trip Generation* manual. (Flatiron Ranch Subdivision Application)
35. Public comments have been submitted expressing concern with the amount of traffic being generated from the subdivision and the impact it will have on the existing roadway infrastructure. Comments specifically ask how the roadway improvements will be paid for and when the roadway improvements will be completed. (Exhibits B-2, B-4, B-8, B-10, B-13, B-14, B-16, B-17, B-18, B-20)
36. Ravalli County adopted the Hamilton Area Transportation Plan (HAT) on March 2, 2010. Table 2-4 shows that Golf Course Road between Duus Lane and Big Corral Road has an existing average daily traffic (ADT) level of approximately 3,500, 4,400 ADT from Big Corral Road to Daly Avenue and 5,100 ADT from Daly Avenue to U.S. Highway 93. These same stretches of Golf Course Road are estimated to have the following traffic amounts by 2030: 4,100 ADT, 13,600 ADT and 14,600 ADT respectively. (Hamilton Area Transportation Plan – May 2010)
37. The HAT estimates traffic increases to collector roadways utilizing growth rates of 2% to 5% per year. The average growth rate would be 3.5% per year. (Staff Determination)
38. A Traffic Impact Analysis (TIA) was completed by Sanderson-Stewart to review the expected traffic on roads in the area of the project and how the addition of the traffic generated from the Flatiron Ranch subdivision will impact the area intersections. The area intersections identified in the TIA make up the Golf Course Improvement Corridor. (Territorial-Landworks Updated Comments – 5/23/11 and Staff Determination)
39. The TIA indicates that with the addition of the Flatiron Ranch Subdivisions anticipated traffic volumes and future growth in the area several of the intersections analyzed fall below acceptable operational standards. The intersections that fall below an acceptable level of service as a result of the addition of the Flatiron Ranch Traffic are as follows:
  - a. Golf Course Road/U.S. Highway 93
  - b. Golf Course Road/Daly Avenue
  - c. Marcus Street/Kurtz Lane
  - d. Golf Course Road/Kurtz Lane
  - e. Golf Course Road/Grantsdale Road

- f. Golf Course Road/Big Corral Road
  - g. Golf Course Road/Flatiron Ranch Road
40. The Montana Department of Transportation (MDT) provided comments on the traffic impact study on June 4, 2010. MDT requested revisions to the traffic impact study to identify impacts to Marcus Street intersections, due to almost half of the subdivision traffic utilizing these intersections. MDT also concurred with the recommended mitigation to the Highway 93/Golf Course Road Intersection, except the limitation of driveway access. (Flatiron Ranch Subdivision File)
  41. The Traffic Impact Study was subsequently revised to address MDT's and RCRBD comments. No further comments have been received from MDT at this time. The RCRBD has reviewed the traffic impact study and determined that the revised study addresses MDT and RCRBD comments and was deemed sufficient for public review on September 28, 2010. (Exhibit A-11)
  42. In response to the Ravalli County Planning Department's request for more specific information regarding the identified required improvements and proposed mitigation strategy for implementing those improvements, addendums to the TIA were submitted by Sanderson-Stewart on March 8, 2001 and May 13, 2011. The updated reports recommend mitigation to impacted roadway intersections along the Golf Course Improvement Corridor. The RCRBD and the Planning Department reviewed the addendums and concurred that the information presented was acceptable. (Staff Determination)
  43. The recommended roadway improvements as identified in the TIA addendums are as follows:
    - a. Golf Course Road/Highway 93 Intersection – The impacts to the LOS at this intersection can be mitigated by installing a westbound right-turn lane and revising the signal phasing to include a protected southbound left turn phase. The study indicates that the intersection will operate within acceptable standards until Phase 10. A proportional contribution in the amount of \$8,555 is proposed to be provided prior to the filing of Phase 5 or as recommended in the updated TIA submitted with Phase 5.
    - b. Golf Course Road/Daly Avenue Intersection – The impacts to the LOS at this intersection can be mitigated by the installation of dedicated left turn lanes on the north and southbound approaches and a traffic signal. The study indicates that the intersection does not meet signal warrant requirements as defined by the Manual on Uniform Traffic Control Devices. The study indicates that the intersection will operate within acceptable standards until Phase 10. A proportional contribution in the amount of \$27,540 is proposed to be provided prior to the filing of Phase 11 or as recommended in an updated TIA submitted with Phase 5 or Phase 10.
    - c. Marcus Street/Kurtz Lane Intersection – The impacts to the LOS at this intersection can be mitigated by the installation of dedicated left turn lanes on the northbound approaches and a traffic signal. The study indicates that the intersection does meet signal warrant requirements as defined by the Manual on Uniform Traffic Control Devices. The study indicates that the northbound left turn lane should be installed prior to Phase 2 and that the traffic signal should be installed prior to Phase 12. The proportional contributions are \$830 and \$17,995 respectively.
    - d. Golf Course Road/Kurtz Lane/Grantsdale Road Intersection – Due to safety and operational concerns with the existing configuration it is recommended

that Kurtz Lane and Grantsdale Road be realigned to intersect Golf Course Road at the same location. This reconfigured intersection would meet signal warrant requirements as defined by the Manual on Uniform Traffic Control Devices. The study indicates that reconfiguration of the intersection should be accomplished at any time for safety reasons but would not be required based on additional traffic volumes from the Flatiron Ranch Subdivision until development of Phase 10. A proportional contribution in the amount of \$169,175 is proposed to be provided prior to the filing of Phase 10 or as recommended in an updated TIA submitted with Phase 5 or Phase 10..

- e. Golf Course Road/Big Corral Road Intersection – As indicated by the TIA, an eastbound left turn lane is warranted prior to the filing of Phase 9. The May 13, 2011 addendum to the TIA revised the improvement schedule for consistency with the Hamilton Area Transportation Plan and is now proposed to occur prior to Phase 6. A proportional contribution in the amount of \$140,265 is proposed to be provided prior to the filing of Phase 6 or as recommended in the updated TIA submitted with Phase 5.
  - f. Golf Course Road/Flatiron Ranch Road Intersection – The TIA indicates that the warrants required for an eastbound turn lane are not met until Phase 10. This improvement shall be completed at the sole cost of the applicant and shall be completed prior to Phase 10 or as recommended by an updated TIA submitted with Phase 5 or Phase 10. (Territorial-Landworks Updated Comments – 5/23/11)
44. Based on the TIA and its associated addendums regarding mitigation strategy (March 8, 2011 and May 13, 2011), the applicant is proposing to contribute the proportional share of anticipated roadway improvements for the subdivision. The total estimated proportional share of roadway improvements resulting from impacts generated by the Flatiron subdivision is \$364,360. (Territorial-Landworks Updated Comments – 5/23/11 and Staff Determination)
  45. The TIA indicates that the initial trigger for required improvements occurs at Phase 2. (Territorial-Landworks Updated Comments – 5/23/11)
  46. The mitigation proposed by the applicant provides for pro-rated payments for improvements at the time each indicated improvement is triggered. As shown within the TIA the majority of improvements are not triggered until the later phases of the project. (Territorial-Landworks Updated Comments – 5/23/11)
  47. The County's consulting engineer for the project, Matt Smith of Professional Consultants Inc. (PCI) provided a review of the TIA addendums and provided recommendations for the County to consider. (Exhibit A-19)
  48. Within the submitted TIA addendums, the total cost estimate for roadway improvements totals \$1,766,245.00. PCI provided updated calculations that total \$1,919,900.00. (Exhibit A-19)
  49. The memo provided by PCI suggests that the road improvements be assessed looking at the total costs for roadway improvements and projecting traffic on Golf Course Road using a 3.5% growth rate then utilizing the projected Average Daily Traffic (ADT) that will be generated by the subdivision at full build out to determine the proportional share. (Exhibit A-19)
  50. Utilizing the method suggested by PCI, the approximate amount of traffic generated by the Flatiron Ranch will account for 58% of the vehicles on Golf Course Road. Based on this, the proportional share of improvements that should be required of the

Flatiron Ranch should be 58% of the total cost estimate of \$1,919,906.00 resulting in a proportional share of \$1,113,545.00 for roadway improvements. (Exhibit A-19)

51. The identified impacts from the subdivision all fall within the Golf Course Improvement Corridor. Mitigation assessed from the applicant will be collected and placed in an interest bearing account to be used for making improvements along this corridor as deemed necessary and appropriate by the RCRBD in accordance with their Schedule of Roadway Improvements. (Staff Determination)
52. The subject property has one existing private access onto Golf Course Road that serves as access to an existing single family residential dwelling and associated out buildings, and serves as access for agricultural activities on the property. (Flatiron Ranch Preliminary Plat and Flatiron Ranch Subdivision Application)
53. The existing private access onto Golf Course Road is proposed to be relocated to the west. This will provide for public access on the western portion of the subdivision via Flatiron Ranch Road. (Flatiron Ranch Preliminary Plat Sheets 3 and 4)
54. Golf Course Road is a State Highway that is maintained by the Ravalli County Road and Bridge Department. (Flatiron Ranch Subdivision Application)
55. One new access, Legend Trail, is proposed onto Golf Course Road. Legend Trail will provide access to the east side of the proposed subdivision and is directly across from the Golf Course Road/Duus Lane intersection. (Flatiron Ranch Preliminary Plat Sheets 5, Flatiron Ranch Subdivision Application)
56. Legend Trail and Flatiron Ranch Road are proposed to meet County Road Standards and will be part of the proposed internal road system. (Flatiron Ranch Subdivision Application)
57. The TIA recommends the installation of a left turn lane at the intersection Golf Course Road and Flatiron Ranch Road. This left turn lane is proposed to be installed by the applicant prior to development of Phase 10. The cost of installation will be the sole responsibility of the applicant and will be completed in accordance with RCRBD policy. It was determined that no left turn lane is warranted on Golf Course Road at its intersection with Legend Trail. (Flatiron Ranch Subdivision Application)
58. The applicant has proposed to construct an internal road system meeting County Road Standards. The internal roads will connect to either Flatiron Ranch Road or Legend Trail that serve as the access roads to the subdivision. (Flatiron Ranch Preliminary Plat and Flatiron Ranch Subdivision Application)
59. Each proposed lot will abut the internal road network. (Flatiron Ranch Preliminary Plat)
60. An emergency access is provided to connect Getalong Trail to Tammany Lane. (Flatiron Ranch Preliminary Plat and Flatiron Ranch Subdivision Application – Agency Correspondence)
61. The emergency access is proposed to be constructed per Hamilton Rural Fire District's adopted Fire Protection Standards for Access. The emergency access crosses the Hedge Ditch and Daly Ditches Irrigation District will be required to approve the construction of the crossing. The proposed emergency access will cross land north of the proposed subdivision to access Tammany Lane. The emergency access will be located within a 30-foot wide emergency access easement from the right of way line of Getalong Trail to Tammany Lane. (Flatiron Ranch Preliminary Plat)
62. Conditional roadway easements to adjacent property have been provided for off of Morning Glow Road, Silver Spur Street, Canter Loop, Flatiron Ranch Trail, and Wrangler Trail. (Flatiron Ranch Preliminary Plat)