COMMISSIONERS APPROVAL

IMAN JR

CHILCOTT

FOSS SF

STOLTZ

KANENWISHER

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

Date.....December 12, 2011

►Minutes: Glenda Wiles

►Commissioner J.R. Iman spent a major portion of the day participating in Extension Agent interviews.

►The Board met at 9:00 a.m. for a public hearing on Gleason Lots which is a 2 lot subdivision and agricultural revocation request. Present at this meeting was Planning Administrator Terry Nelson and Engineer John Horat who represented the developer Shawn Gleason. Commissioner Suzy Foss was not present for the first portion of the meeting and Commissioner Iman was not present for this meeting. Terry presented a staff report (see attachment).

Terry stated Planning Staff recommends the Agricultural revocation be approved as well as the two lot subdivision with conditions as listed within the staff report (pages 3 -7).

Commissioner Chilcott entered the staff report into the public record.

Public Comment:

John Horat stated Shawn Gleason is a large animal veterinarian and he purchased the properties with the intention of relocating his business there. Upon that purchase he included the adjoining parcel and that lead to the need to create a 2-lot subdivision. Since that purchase he has received approval for sewer hookup from Corvallis Sewer District. The plat that created one of the lots placed this property in an agricultural covenant. One of the created lots will eventually house his vet clinic.

No further public comment. Public comment was closed.

Board deliberation.

Commissioner Kanenwisher made a motion to accept the staff report for the Compliance with Prerequisites to Approval (A-F pages 10-12). Commissioner Stoltz seconded all voted "aye". (3-0)

Commissioner Kanenwisher made a motion to approve the staff report for Compliance with Applicable Regulations (A-E pages 12 -13). Commissioner Stoltz seconded the motion and all voted "aye". (3-0)

Criterion 1: Effects on Agriculture:
Discussion included the alfalfa that grows without irrigation due to the high ground water resulting in two cuttings a year. The Board concurred on the findings of fact.

Conclusions of Law for Criterion #2
Overall Agriculture Conclusion (#5) **Commissioner Kanenwisher made a motion to accept the overall conclusions for Criteria 1 with the mitigating conditions of approval, requirements of final plat approval and proximity of the property to the community of Corvallis (within Corvallis Sewer District), potentially significant adverse impacts of the subdivision on agriculture will be sufficiently mitigated. Commissioner Stoltz seconded the motion and all voted "aye". (3-0)**

Criterion 2: Effects on Agricultural Water User Facilities:
The Board concurred on the findings of fact.

Conclusion of Law for Criterion #2
Overall Agricultural Water User facilities Conclusion (#3)
Commissioner Kanenwisher made a motion to accept the conclusions for Criteria 2 with the conditions of approval and requirements for filing the final plat, potentially significant adverse impacts of the subdivision on agricultural water user facilities will be sufficiently mitigated. Commissioner Stoltz seconded the motion and all voted "aye". (3-0)

Criterion #3 Effects on Local Services: (Commissioner Foss was now present).
The Board concurred on the findings of fact for the fire district, the school district and public safety with $250.00 mitigation (normally accepted from other subdivisions). The Board concurred that the findings of fact are adequate in regard to emergency services, roads, water and wastewater districts, solid waste services, as well as postal services and utilities.

Conclusions of Law for Criterion #3
Overall Local Services Conclusion (#15): **Commissioner Kanenwisher made a motion 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 local services will be sufficiently mitigated. Commissioner Stoltz seconded the motion and all voted "aye". (3-0)**

Criterion #4 Effects on Natural Environment:
Commissioner Kanenwisher noted this will be on a public sewer system. The Board concurred on the findings of facts for # 1-3 (surface water features).

The Board concurred on the findings of facts for # 6-8 (air quality)
The Board concurred on the findings of facts for #9 (light pollution)
The Board concurred on the findings of facts for #10 - 11 (vegetation)
The Board concurred on the findings of facts for #12 (historical archeological sites)

Conclusions of Law for Criterion #4
Overall Natural Environment Conclusion (#5) **Commissioner Kanenwisher made a motion that 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 the natural environment will be sufficiently mitigated. Commissioner Stoltz seconded the motion and all voted "aye" (3-0)**

Criterion #5 Effects on Wildlife
The Board concurred on the findings of facts for #1-4.

Conclusions of Law for Criterion #5
Overall Wildlife Conclusion (#3) **Commissioner Kanenwisher made a motion that based on the findings within the Sensitive Species Report Waiver and the recommended mitigating conditions of approval, potentially significant adverse impacts of the subdivision on wildlife habitat will be sufficiently mitigated. Commissioner Stoltz seconded the motion and all voted "aye" (3-0)**

Criterion #6 Effects on Wildlife Habitat
The Board concurred on the findings of facts for #1-4.

Conclusions of Law for Criterion #6
Overall Wildlife Habitat Conclusion **Commissioner Kanenwisher made a motion that based on the findings within the Sensitive Species Report Waiver and the recommended mitigating conditions of approval, potentially significant adverse impacts of the subdivision on wildlife habitat will be sufficiently mitigation. Commissioner Stoltz seconded the motion and all voted "aye". (3-0)**

Criterion #7 Effects on Public Health and Safety
Commissioner Kanenwisher stated he was comfortable with Montana Department of Transportation's recommendations. Commissioner Chilcott and Stoltz concurred. The Board concurred on findings #1-2 (traffic safety)
The Board concurred on findings #3-4 (emergency vehicle)
The Board concurred on #5 (water and wastewater)
The Board concurred on #6-7 noting possible flooding from the ditch (natural and man-made hazards)

Conclusions of Law
Overall Public Health and Safety Conclusion
Commissioner Kanenwisher made a motion that 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 public health and safety will be sufficiently mitigated. Commissioner Stoltz seconded the motion and all voted "aye". (3-0)

Final Motion

Commissioner Kanenwisher made a motion that the agricultural covenant encumbering Parcel 1 of Certificate of Survey #483530 be revoked and that the Gleason Lots Minor Subdivision be approved, based on the findings of fact and conclusions of law in the staff report and subject to the conditions in the staff report. Commissioner Stoltz seconded the motion and all voted "aye". (3-0)

The public hearing was adjourned at 9:50 a.m.

►The Board met at 10:05 a.m. to discuss the illegal dumping on Snyder Road. Issues of discussion also included placing a gate on county property to prevent further dumping. Present at this meeting was Civil Counsel Dan Browder, Environmental Health Director Lea Guthrie, Sanitarian Rod Daniels, Ravalli Republic Reporter Whitney Bermes, KPAX News Dennis Bragg and Citizen William Menager. Commissioner Iman was not present for this meeting.

Dan Browder relayed that GIS Director Ken Miller finds the dump is in the middle of county property. DEQ personnel are coming Thursday to evaluate the materials in the dump. The Road Department is having signs made. The county has the right to have a vehicle removed if the vehicle blocks anyone in. The Bitterroot Irrigation District is looking at sharing the cost of a gate installation (one half of approximately $700.00). He recommends a survey of the parcel in order to firm up the boundary with the neighboring parcel which gives legal defense to the placement of the gate. It was noted the county ended up with this property by tax deed and at some point the county should initiate a Quiet Title Action.

Discussion included identification and liability of persons who have dumped on county property and what enforcement and penalty actions could be taken against them. Dan Browder noted enforcement could occur by DEQ or the County.

The Board concurred to the following:

- Signs for "No Dumping" ($50.00 per sign, three needed at this dump sign and obtain seven extra signs for other county parcels);
- A gate needs to be placed ($675 - $700);
- A survey should be taken (Approximately $2,000);
- A Quiet Title Action s should occur on the property;
- Attempt to identify the dumpers;
- Clean up will occur of the dump site (Unknown cost at this time);
- Potential enforcement with either the County Attorney or DEQ taking the lead
- First order of business will be installation of the gate

Commissioner Foss made a motion to purchase up to $1,200.00 for signs and a gate. Commissioner Kanenwisher seconded the motion. Discussion: Included the extra signs to be ordered. **All voted "aye". (4-0)**

In regard to the survey, the county will need to check with the county surveyor and make sure he is available for this job. **Commissioner Kanenwisher made a motion to authorize up to $2,000 to hire a surveyor for a survey on the subject parcel. Commissioner Foss seconded the motion and all voted "aye". (4-0)**

It was also agreed if BRID does not want to install the gate, the Road Department will install the gate.

►The Board met at 2:05 p.m. to make a decision on the makeup of the Steering Committee for the Strategic Economic Planning Project (StEP). Present at this meeting was RC&D Member Allen Bjergo, Bitterrooters for Planning President Kelsey Milner, Planning Administrator Terry Nelson, Ravalli Republic Reporter Whitney Bermes, RC Watch Dog Maggie Wright, Citizens William Menager, Rick Fuhrman & Mary Barton.

Commissioner Iman was now present for the balance of the day's meetings.

Commissioner Kanenwisher stated he prepared a list of candidates who have expressed interest as well as a draft Resolution establishing a committee. Other names were added to the list by Commission Members as well.

Rick Fuhrman asked for clarification on the resolution, the number of committee members and the potential candidates.

Public comment was called for. None offered.

The Board then reviewed the draft Resolution making some changes. **Commissioner Foss motion to adopt Resolution No. 2791.** Discussion was to include the names of the committee members. **After discussion, Commissioner Foss withdrew her motion.**

The MCA was reviewed for board member responsibilities. It was agreed to note the Steering Committee Members will not be entitled to mileage, and that the committee members must be citizens. The Board then reviewed the list of potential members rating them as the five members which resulted in Scott Henderson, Fred Thomas, Terry Polumsky, Kelsey Milner & Dan Floyd.

Commissioner Chilcott made a motion to appoint Commissioner Kanenwisher to be one of the two Commission Members on the Steering Committee. Commissioner Iman seconded the motion and all voted "aye". (5-0)

Commissioner Kanenwisher made a motion to appoint Commissioner Stoltz to be the second Commission Member on the Steering Committee. Commissioner Chilcott seconded the motion and all voted "aye". (5-0)

Commissioner Iman made a motion to appoint Citizen Members Scott Henderson, Fred Thomas, Terry Polumsky, Kelsey Milner and Dan Floyd. Commissioner Kanenwisher seconded the motion and all voted "aye". (5-0)

Commissioner Stoltz made a motion to have Commissioner Kanenwisher as Chair of the first Steering Committee Meeting. Commissioner Foss seconded the motion and all voted "aye". (5-0)

►The Board met at 2:45 p.m. with Clerk & Recorder Regina Plettenberg and Treasurer Marie Keeton to discuss the potential closure of the mail processing in Missoula. Present at this meeting was RC Watchdog Maggie Wright, Ravalli Republic Reporter Whitney Bermes and Citizen William Menager. Regina gave an update on this potential closure transporting mail from Missoula to Spokane and then back again prior to distribution. Issues discussed were cost, loss of Towne Mailer for metering and bulk mailing as well as the impact to this year's fiscal year budget. It was agreed the Commissioners will write a letter to be included in the public comments to the Federal Government as well as the U.S. Senators and Representatives from Montana after they receive some statistics from Regina and Marie.

►The Board met at 3:05 p.m. to interview Robert McCoy for the Economic Development Authority Board.

►The Board met at 3:30 to interview John Ormiston for the Ravalli County Park Board.

►The Board met at 4:00 p.m. to interview Robert Myers for the Economic Development Authority Board.

GLEASON LOTS
TWO-LOT MINOR SUBDIVISION AND AGRICULTURAL REVOCATION

STAFF REPORT FOR BOARD OF COUNTY COMMISSIONERS

CASE PLANNER: Terry Nelson/Tristan Riddell

REVIEWED/ APPROVED BY: Terry Nelson

PUBLIC MEETINGS: BCC Public Meeting: 9:00 AM December 12th, 2011
Deadline for BCC action (35 working days): December 19th, 2011

SUBDIVIDER: Shawn & Elisabeth Gleason
303 Selway View
Corvallis, MT 59828

REPRESENTATIVE: Bitterroot Engineering & Design
1180 Eastside Highway
Corvallis, MT 59828

LOCATION OF REQUEST: The property is located within the Community of Corvallis off Eastside Highway. *(See Map 1)*

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

LEGAL DESCRIPTION OF PROPERTY:

Parcel 1 of Certificate of Survey #483530, located in the NW ¼ of Section 4, T6N, R20W, P.M.M., Ravalli County, Montana.

APPLICATION INFORMATION:

The subdivision application was deemed sufficient on October 29th, 2011. Agencies were notified of the subdivision on October 6, 2011 and October 31st, 2011. Comments received from agencies are Exhibits A-1 through A-4 of the staff report. **This subdivision is being reviewed under the Ravalli County Subdivision Regulations (RCSR) amended February 2, 2011.**

LEGAL NOTIFICATION:

Notice of the project was posted on the property and adjacent property owners were notified by mail dated October 31st, 2011 and November 21st, 2011. A legal notice was placed in the Bitterroot Star on November 23rd, 2011. No public comments have been received to date.

DEVELOPMENT PATTERN:

Subject property:	Vacant
North:	Residential/Proposed Church
South:	Agricultural
East:	Agricultural
West:	Residential

INTRODUCTION

Gleason Lots is a two-lot minor subdivision and agricultural covenant revocation proposed on 3.95 acres. Both lots are proposed to serve future commercial activities. Lots will be hooked-up to the Corvallis County Sewer District and will have individual wells.

Staff recommends revocation of the agricultural covenant and approval of the subdivision proposal.

RAVALLI COUNTY BOARD OF COUNTY COMMISSIONERS
DECEMBER 12, 2011

GLEASON LOTS
TWO-LOT MINOR SUBDIVISION AND AGRICULTURAL REVOCATION

PLANNING STAFF RECOMMENDED MOTIONS

1. That the agricultural covenant encumbering Parcel 1 of Certificate of Survey #483530 be revoked and that the Gleason Lots Minor Subdivision be ***approved***, based on the findings of fact and conclusions of law in the staff report and subject to the conditions in the staff report. ✓

PLANNING STAFF RECOMMENDED CONDITIONS

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

   Notification of Irrigation Facilities and Easements. The Corvallis Canal abuts the eastern edge of this property, as shown on the final plat. All downstream water users 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 a ditch, interferes with its operation or maintenance in any way, or restricts access to the ditch so as to interfere with its maintenance, which includes but is not limited to the placement of structures or the planting of vegetation other than grass, is expressly prohibited. *(Section 3-2-8(a) and Section 3-2-8(b)(v)(B), RCSR, Effects on Agricultural Water User Facilities)*

   Notification of Water Rights. Residents within this subdivision do not currently have the right to take irrigation water out of **the Corvallis Canal**. Taking water without a water right for any purpose is illegal. Residents should consult with the Montana Department of Natural Resources for questions on water rights. *(Section 3-2-8(b)(v)(B), RCSR, Effects of Agricultural Water User Facilities)*

   Notification of No-Build Zone. Within this subdivision there is a no-build zone, as shown on the final plat. No new structure may be constructed in this area. No new utilities may be constructed in this area. Roads, trails, and utility crossings through this area are permitted. The existing structure may not be expanded. *(Section 3-2-8(b)(v)(B), RCSR, Effects on Natural Environment and Public Health & Safety)*

   Notification of Proximity to Willow Creek. This subdivision is located in close proximity to Willow Creek. There is an inherent hazard associated with creeks, due to potential soil erosion, flooding and movement of the creek channel. *(Section 3-2-8(b)(v)(B), RCSR, Effects on Public Health and Safety)*

   Notification of Proximity to a Potential Dam Inundation Area in the Event of a Catastrophic Failure of the Painted Rocks Reservoir Dam. A portion of the property may be located within the dam inundation area for the Painted Rocks Reservoir Dam. The Painted Rocks Reservoir Dam is owned and operated by the State of Montana, Department of Natural Resources and Conservation District, Water Resources Division, Dam Safety Program (48 North Last Chance Gulch, P.O. Box 201601, Helena, Montana, 59620-1621). A map of the probable extent of the inundation area is included as an exhibit to this document [the

subdivider shall include the exhibit as an attachment]. *(Section 3-2-8(b)(v)(B), RCSR, Effects on Public Health and Safety)*

Recommendation for Flood Insurance. Although not within the FEMA-mapped floodplain, the Floodplain Manager recommends that property owners obtain flood insurance since standard homeowner's insurance policies do not cover flood damages. *(Section 3-2-8(b)(v)(B), RCSR, Effects on Public Health and Safety)*

Notification of Common Access Maintenance Agreement. The common access is not maintained by Ravalli County, the State of Montana, or any other governmental entity. Neither the County nor the State assumes any liability for lacking or improper maintenance. A common access maintenance agreement was filed with this subdivision and outlines which parties are responsible for maintenance and under what conditions. *(Section 3-2-8(b)(v)(B), RCSR, Effects on Local Services)*

Notification Regarding 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. *(Section 3-2-8(b)(v)(B), RCSR, Effects on Natural Environment, Wildlife and Wildlife Habitat, and Public Health and Safety)*

Notification of Radon Exposure. The owner understands and accepts the 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 for further information. *(Section 3-2-8(b)(v)(B), RCSR, Effects on Public Health & Safety)*

Living with Wildlife. Owners and/or renters of lots in this commercial subdivision (hereafter, "residents") must accept the responsibility of living with wildlife and must be responsible for protecting their vegetation from damage, confining their pets, and properly storing garbage, livestock feed, and other potential attractants. Residents must be aware of potential problems associated with the presence of wildlife such as deer, black bear, coyote, fox, raccoon, skunk, wild turkey, magpie, and other species. Please contact the Montana Fish, Wildlife & Parks office in Missoula (3201 Spurgin Road, Missoula, MT 59804) for brochures that can help owners "live with wildlife." Alternatively, see FWP's web site at http://fwp.mt.gov.

The following covenants are designed to help minimize problems that residents could have with wildlife, as well as helping residents protect themselves, their property and the wildlife that Montanans value.

a. Residents must be aware of the potential for **vegetation damage by wildlife, particularly from deer** feeding on landscaping such as green lawns, flowers, ornamental shrubs and trees in this subdivision. Residents should be prepared to take the responsibility to plant non-palatable vegetation or protect their vegetation (fencing, netting, repellents) in order to

avoid problems. Also, consider landscaping with native vegetation that is less likely to suffer extensive feeding damage by deer.

b. **Garbage** should be stored in secure animal-resistant containers or indoors to avoid attracting animals such as bears, raccoons, other wildlife, or dogs.

c. **Do not feed wildlife** or offer supplements (such as salt blocks), attractants, or bait for deer, elk, pheasant, wild turkey or other wildlife, including during winter. Feeding wildlife results in unnatural concentrations of animals that could lead to overuse of vegetation and disease transmission. Such actions unnecessarily accustom wild animals to humans, which can be dangerous for both. It is against state law (§ 87-3-130, MCA) to purposely or knowingly attract any ungulates (deer, elk), bears, or mountain lions with supplemental food attractants (any food, garbage, or other attractant for game animals) or to provide supplemental feed attractants in a manner that results in "an artificial concentration of game animals that may potentially contribute to the transmission of disease or that constitutes a threat to public safety." Also, residents must be aware that deer and wild turkey can attract mountain lions to an area.

d. If **pets** are allowed on site, they must be confined to buildings, in a fenced yard, or in an outdoor kennel area, and not be allowed to roam as they can chase and kill big game and small birds and mammals. Keeping pets confined also helps protect them from predatory wildlife. Under current state law it is illegal for dogs to chase hoofed game animals and the owner may also be held guilty (§ 87-3-124, MCA). **Pet food** should be stored indoors, in closed sheds or in animal-resistant containers in order to avoid attracting wildlife such as bear, raccoon, and skunk. When feeding pets do not leave food out overnight, and consider feeding pets indoors so that wild animals do not learn to associate food with your buildings.

e. Fencing:

   i. Use **wildlife-friendly fencing**. For wooden rail fences: no more than 3 rails, with the bottom of the bottom rail at least 18 inches off the ground and the top of the top rail no higher than 42 inches off the ground. For wire fences: use smooth wire, no more than 3 wires, with the top wire no higher than 42 inches off the ground and bottom wire at least 18 inches from the ground. These designs allow fawn deer and other wildlife to crawl under the fencing, while allowing adult deer to jump the fence with less chance of becoming entangled.

   ii. If tall **security fencing** is utilized and if lot location relative to adjacent lots allows, consider installing a second egress gate in the back of the lot, away from the main entry gate. It is not uncommon for wildlife such as deer to become trapped inside large fenced compounds, and being able to leave a back gate open for awhile when this happens can often facilitate getting the wildlife out of the compound without risking animal or human injury by wildlife leaving through the main gate onto a busy highway.

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

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

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

Access Requirements for Lots within this Subdivision. Corvallis Rural Fire District, has adopted the Fire Protection Standards. All accesses, including driveways to residences over 150' in length, must have a minimum unobstructed travel surface width of 22', a vertical clearance of 13'6" and an all-weather surface that can accommodate the weight of a fire truck. Please contact the Corvallis Rural Fire District for further information. *(Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health & Safety)*

Construction within Flood Hazard Zone for Willow Creek. The lowest enclosed floor of all structures (including crawlspaces and basements) and mechanical utilities of all proposed structures shall be constructed at an elevation of 3,501.2 feet or more. *(Section 3-2-8(b)(v)(B), RCSR, Effects on Public Health and Safety)*

State Commercial Building Standards. The State of Montana has building codes for commercial buildings. For more information, contact the Montana Department of Labor and Industry, at PO Box 1728, Helena, MT 59624-1728 or call 406-444-2840. *(Effects on Local Services and Public Health & Safety)*

Archeological Resources. 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), RCSR, Effects on Natural Environment)*

No-Build Zone. Within this subdivision there is a no-build zone, as shown on the final plat. No new structure may be constructed in this area. No new utilities may be constructed in this area. Roads, trails, and utility crossings through this area are permitted. The existing structure may not be expanded. *(Section 3-2-8(b)(v)(B), RCSR, Effects on Natural Environment and Public Health & Safety)*

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

3. The subdividers shall include an RSID/SID waiver in a notarized document filed with subdivision plat that states the following: Owners and their successors-in-interest waive all rights to protest the creation of a city/rural improvement district for any purpose allowed by law, including, a community water system, a community wastewater treatment system, and improving and/or maintaining the roads that access the subdivision including related right-of-way, drainage structures, and traffic control signs. This waiver will expire 20 years after the date the final plat is filed with the Ravalli County Clerk and Recorder. *(Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health and Safety)*

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

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

6. The following statement shall be shown on the final plat: "The Ravalli County Fire Council, which includes the Corvallis Rural Fire Department, 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 Corvallis Rural Fire Department for further information". (*Section 3-2-8(b)(v)(C, F), RCSR, Effects on Local Services and Public Health & Safety)*

7. The subdivider shall negotiate mitigation with the BCC to alleviate perceived effects of the subdivision on Public Safety Services (Sheriff, E-911, DES). The subdivider shall ensure that any decided upon mitigation has been implemented prior to final plat approval. (*Section 3-2-8(b)(v)(C, F), RCSR, Effects on Local Services and Public Health & Safety*)

8. The shared access point shall be labeled as "common access and utility easement" on the final plat. The subdivider shall include a Common Access Maintenance Agreement for this shared access. *(Section 3-2-8(b)(v)(C), RCSR, Effects on Local Services)*

9. The final plat shall show a no-ingress/egress strip along the subdivision frontage with Eastside Highway, excepting the approved common access, as depicted on the preliminary plat. *(Section 3-2-8(b)(v)(C ,F), RCSR, Effects on Local Services and Public Health & Safety)*

10. The final plat shall show a "no-build zone" located in the northeast corner of the property, as depicted on the preliminary plat. *(Section 3-2-8(b)(v)(C ,F), RCSR, Effects on Public Health & Safety)*

FINAL PLAT REQUIREMENTS (RAVALLI COUNTY SUBDIVISION REGULATIONS)

The following items shall be included in the final plat submittal, as required by the Ravalli County Subdivision Regulations, Section 3-4-4(a) et seq. [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 on the Final Plat:
    - Project name
    - Title block
    - Certificate of registered owner – notarized
    - Certificate of registered land surveyor with seal
    - Certificate of governing body approval
    - Signature block for Clerk and Recorder, preferably in lower right hand corner

- ~~Certificate of public dedication~~
- ~~Certificate of park cash-in-lieu payment~~
- Other certifications as appropriate
- North arrow
- Graphic scale
- Legal description
- Property boundaries (bearings, lengths, curve data)
- Pertinent section corners and subdivision corners
- Names of adjoining subdivisions/certificates of survey
- Monuments found
- Witness monuments
- Acreage of subject parcel
- Curve data (radius, arc length, notation of non-tangent curves)
- Line data (lengths to tenths of a foot, angles/bearings to nearest minute)
- Lots and blocks designated by number (dimensions/acreage)
- Easements/rights of ways (location, width, purpose, ownership)
- ~~Dedication for public use (boundaries, area, purpose)~~
- No-build zones
- No-ingress/egress zones
- Water resources (rivers, ponds, etc.)
- ~~Floodplains~~
- Irrigation canals including diversion point(s), etc.
- ~~High-pressure gas lines~~
- 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. Utility availability certification(s) shall be submitted with the final plat submittal.
18. Road/common access maintenance agreement(s), signed and notarized, shall be submitted with the final plat submittal.
19. ~~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.~~
20. 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.
21. Protective covenants to be filed with the final plat that are signed and notarized shall be submitted with the final plat submittal.
22. ~~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.~~
23. A copy of the letter sent to the appropriate school district(s) stating the subdivider 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.
24. ~~Signed and notarized homeowner association documents, including bylaws, covenants, and/or declarations shall be submitted with the final plat submittal.~~
25. Evidence that improvements have been made in accordance with the conditions of approval and requirements of final plat approval and certified by the subdivider, Professional Engineer, or contractor, as may be appropriate and required, shall be submitted with the final plat submittal. A Professional Engineer's certification shall be required in any instance where engineered plans are required for the improvement. Alternatively, an improvements agreement and guaranty shall be required. (Refer to Section 3-4-2.)
    - Specific infrastructure improvement potentially required for this subdivision is the installation of the common driveway access.
26. A signed revocation of agricultural covenant document shall be submitted with the final plat submittal.

SUBDIVISION REPORT

COMPLIANCE WITH PREREQUISITES TO APPROVAL

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

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

Findings of Fact

1. Existing utility easements are located along Eastside Highway. (Gleason Lots Subdivision Application and Preliminary Plat)
2. A proposed 30-foot utility easement for connection to Corvallis Sewer District is shown along the western edge of Parcel A Certificate of Survey #4302 and through the proposed Lot 1. Parcel A is owned by the Gleasons. (Gleason Lots Preliminary Plat)

Conclusions of Law

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

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

Findings of Fact

1. The subject property gains legal and physical access from Eastside Highway. (Gleason Lots Preliminary Plat, Ravalli County GIS)
2. The subdivider has obtained preliminary approval for an approach permit from the Montana Department of Transportation (MDT) for the proposed common access onto Eastside Highway. (Gleason Lots Subdivision Application)
3. There are no physical obstructions preventing access to the site from Eastside Highway. (Staff Site Visit 10/3/11)

Conclusions of Law

1. Legal Access will be provided to each proposed lot within the subdivision via Eastside Highway, a state-operated roadway that abuts the subject property. (Staff Determination)
2. Based on the fact that there are no elements or features preventing unobstructed access to the site and that there are no elements or features that completely prevent unobstructed access to the proposed lots on-site, the subject property will have physical access. (Staff Determination)

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

Finding of Fact

Based on recommended conditions and final plat requirements in accordance with Section 3-4-4(a) of the RCSR, specific infrastructure improvements potentially required for this subdivision are the installation of the common driveway and installation of sewer line extensions. [RCSR 3-4-4(a)]

Conclusions of Law

1. The subdivider is required to submit evidence that the improvements have been made in accordance with the conditions of approval and requirements of final plat approval and certified by the subdivider prior to final plat approval. (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. (Staff Determination)

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

Findings of Fact

1. The property does not currently have water rights. (Gleason Lots Subdivision Application – Subdivision Questionnaire)

Conclusions of Law

1. 76-3-504(1)(j), MCA states that when a subdivision creates parcels with lot sizes averaging less than 5 acres, the subdivider is required to:
   (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. Section 3-1-5(a)(xxv) of the RCSR requires documentation of all existing water rights. (RCSR)
3. Since no water rights are tied to the property, MCA 76-3-504(1)(j) does not apply to this subdivision. (Staff Determination)

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

Findings of Fact

1. The Corvallis Canal abuts the eastern edge of the subject property and is located within an existing 60-foot right-of-way. There are no other irrigation ditches located on the subject property. (Gleason Lots Subdivision Preliminary Plat)

Conclusions of Law

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

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

2. Since no irrigation ditches traverse the subject property and the Corvallis Canal is located within an existing 60-foot right-of-way, MCA 76-3-504(1)(j) does not apply to this subdivision. (Staff Determination)

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

Finding of Fact

The subdivision proposal is for a two (2) lot first minor subdivision. (Gleason Lots Subdivision Application – Subdivision Questionnaire)

Conclusion of Law

This prerequisite is not applicable because minor subdivisions are exempt from meeting parkland dedication. [RCSR 6-1-5(b)]

COMPLIANCE WITH APPLICABLE REGULATIONS

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

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

Findings of Fact

1. The lot layout as indicated on the preliminary plat meets the lot design standards in Chapter 5 of the RCSR. (Gleason Lots Subdivision 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. (Gleason Lots 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 all applicable standards required in the RCSR. (Staff Determination)
2. The procedures for the application and review of this proposed subdivision as outlined in Chapter 3 of the RCSR have been followed. (Staff Determination)

B. Applicable zoning regulations.

Findings of Fact

1. The unincorporated areas of Ravalli County are not zoned, excepting voluntary zoning districts. (Ravalli County Clerk & Recorder's Office)
2. The property is not within one of Ravalli County's adopted voluntary zoning districts. (Gleason Lots Subdivision Application – Subdivision Questionnaire; Ravalli County Clerk & Recorder's Office)

Conclusion of Law

There are no zoning regulations that apply to the subject property. (Staff Determination)

C. Existing covenants and/or deed restrictions.

Finding of Fact

1. The property is currently subject to an agricultural covenant. The covenant states that the subject property shall be used "exclusively for agricultural purposes" and that the covenant may only be removed by the mutual consent of the property owner and the Ravalli County

Board of Commissioners. (Gleason Lots Subdivision Application – Subdivision Questionnaire; Ravalli County Clerk & Recorder's Office)
2. Agricultural covenants must be revoked in accordance with Section 3-6, RCSR. (RCSR)

Conclusions of Law
1. The applicant has complied with the process of requesting a revocation of the agricultural covenant as depicted on COS #483530. (Staff Determination)
2. With the removal of the agricultural covenant, the subdivision will comply with existing covenants and deed restrictions. (Gleason Lots Subdivision Application)
3. There are no other covenants or deed restrictions to comply with. (Gleason Lots Subdivision Application)

D. Other applicable regulations.

Findings of Fact
1. Following are regulations that may apply to this subdivision:
   - Montana Subdivision and Platting Act, Title 76, Chapter 3, MCA
   - Montana Sanitation in Subdivisions Act, Title 76, Chapter 4, MCA
   - Ravalli County Subsurface Wastewater Treatment and Disposal Regulations
   - Montana Standards for Subdivision Storm Drainage (DEQ Circular 8)
   - 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 subdivider was made aware of the applicable regulations at the pre-application conference held on May 18, 2010. (Gleason Lots Subdivision File)
3. Prior to final plat approval, the subdivider is required to submit applicable permits and evidence that they have met applicable regulations. (Section 3-4-4(a), RCSR)

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

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

CRITERION 1: EFFECTS ON AGRICULTURE

Findings of Fact:
1. The subject parcel is classified for tax purposes as vacant land rural. (Montana Cadastral Database created by Montana Department of Administration, Information Technology Services Division, Geographic Information Services)
2. The 3.95 acre property is currently producing a small yield of alfalfa. (Gleason Lots Subdivision Application – Summary of Probable Impacts)
3. The proposed subdivision will result in two lots, which will be marketed for commercial use. A veterinary clinic, that serves livestock, is proposed to be constructed on one of the lots. (Gleason Lots Subdivision Application – Summary of Probable Impacts)
4. There are agricultural activities occurring on the properties to the east and south of the proposal. (Gleason Lots Subdivision Application – Subdivision Questionnaire)
5. To mitigate the impacts on adjacent agricultural operations, a "Notification of Proximity to Agricultural Operations" will be filed along with the subdivision. *(Condition 1)*

6. The subdivider submitted a Ravalli County Subdivision Noxious Weed Evaluation Form, in accordance with the element submittal requirements of the RCSR that listed the following noxious weeds as being located along the perimeters of the subject property: Canada Thistle, Common Tansy, Field Bindweed, Spotted Knapweed and Hoary Allysum. (Gleason Lots Subdivision Application – Noxious Weed Evaluation)
7. Soils data obtained from the NRCS Web Soil Survey indicate that the entire property is classified as prime farmland if irrigated. However, there are no water rights associated with the subject property. (NRCS Web Soil Survey)

Conclusions of Law:

1. A subdivision proposal must be reviewed for its impacts on agriculture. (MCA 76-3-608(3), Section 3-2-7(b)(1), RCSR)
2. The proposal will impact prime farmland soils if irrigated according to information from the NRCS. However these classifications are not generally intended for site-specific evaluations. (Staff Determination; NRCS Web Soil Survey)
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. (Final Plat Requirement 11)

Overall Agriculture Conclusion

5. With the mitigating conditions of approval, requirements of final plat approval and proximity of the property to the community of Corvallis (within Corvallis Sewer District), 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

1. The application states there are no water rights associated with this property.(Gleason Lots Subdivision Application – Questionnaire; Summary of Probable Impacts)
2. The Corvallis Canal abuts the eastern edge of the subject property and lies within an existing 60-foot right-of-way. (Gleason Lots Subdivision Preliminary Plat)
3. To notify future property owners and mitigate potential impacts on agricultural water user facilities, a notification of the inability to take water from an irrigation ditch without a water right will be filed with the subdivision. *(Condition 1)*

Conclusions of Law:

1. A subdivision proposal must be reviewed for its impacts on agricultural water user facilities. (MCA 76-3-608(3), RCSR Section 3-2-8(b)(v)(B))
2. No water rights are associated with the subject parcel and the proposal complies with 76-3-504(1)(j) & 76-3-504(1)(k), MCA. (Staff Determination)

Overall Agricultural Water User Facilities Conclusion

3. With the conditions of approval and requirements for filing the final plat, 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 Corvallis Rural Fire District. (Gleason Lots Subdivision Application – Subdivision Questionnaire; Ravalli County GIS Data)
2. The Corvallis Rural Fire District has a station (Corvallis Station #1) approximately 1.0 miles to the northwest from the proposed subdivision. (Ravalli County GIS)
3. The Corvallis Rural Fire District, 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 Fire Protection Standards also state that in lieu of an on-site water supply, a cash contribution in the amount of $900 is acceptable. (Exhibit A-1)
4. A common driveway off of Eastside Highway will provide emergency access to the two proposed lots. (Gleason Lots Subdivision Preliminary Plat)
5. The Ravalli County Planning Department sent notification letters to the Corvallis Rural Fire District requesting comments on the proposal on October 6, 2011 and October 31, 2011; however, no agency comments have been received to date. (Gleason Lots Subdivision File)
6. The subdivider has proposed to make a $900 per-new-lot contribution to the Corvallis Rural Fire District, in lieu of on-site water storage, to mitigate the impacts of the new commercial uses. (Gleason Lots Subdivision Application – Subdivision Questionnaire; Summary of Probable Impacts)

School District

7. With this subdivision, it is estimated that zero (0) school-aged children will be added to the Corvallis School District since the proposed subdivision is for commercial lots. (Gleason Lots Subdivision Application).
8. The Ravalli County Planning Department sent notification letters to the Corvallis School District requesting comments on the proposal on October 6, 2011 and October 31, 2011, however no comments have been received from the District to date. (Gleason Lots Subdivision File)
9. The subdivider states that there will be no anticipated increase in the burden to public schools as a result of this subdivision; no new residential lots are proposed and no additional children are estimated to be added due to commercial lot development. (Gleason Lots Subdivision Application – Summary of Probable Impacts & Subdivision Questionnaire)

Public Safety Services

10. The Ravalli County Sheriff's Office provides law enforcement services to this area. (Gleason Lots Subdivision Application – Subdivision Questionnaire)
11. Notification letters were sent to the Ravalli County Sheriff's Office requesting comments on October 6, 2011 and October 31, 2011; however, no comments have been received to date. (Gleason Lots Subdivision File)
12. The average number of people per household in Ravalli County is 2.7. This subdivision proposal is for commercial use and the number of employees and/or patrons that will be present at any given time is unknown. (Census 2010 and Staff Determination)
13. Taxes from new businesses 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 subdivider shall negotiate an adequate form of mitigation with the BCC. (Staff Determination)
14. The subdivider proposes to offer a voluntary contribution in the amount of $250 to mitigate impacts the development may have on public safety services. (Gleason Lots Subdivision Application – Summary of Probable Impacts)

Emergency Services

15. Ambulance services will be provided by Marcus Daly Memorial Hospital EMS Department. Marcus Daly Hospital was contacted on October 6, 2011 and October 31, 2011; however, no comments have been received to date. (Gleason Lots Subdivision File)

Roads

16. There are two proposed commercial lots within this subdivision. It is estimated at build-out that this subdivision could generate a total of 60 to 120 additional vehicular trips per day, based on assumptions of what commercial uses will locate on the property and estimates taken from Trip Generation, 7th Edition. (Staff Determination)
17. The property is accessed via Eastside Highway (a state-maintained roadway). (Gleason Lots Subdivision Application)
18. Lots will share a common driveway that must be permitted by MDT.(Gleason Lots Subdivision Application & Preliminary Plat)
19. The MDT will issue an approach permit for the proposed common access driveway once commercial uses have been identified. (Exhibit A-2)

Water and Wastewater Districts

20. The newly created parcels are proposed to join the Corvallis Sewer District and install individual wells. (Gleason Lots Subdivision Application)

Solid Waste Services

21. Bitterroot Disposal provides service to this site. (Gleason Lots Subdivision Application)
22. Notification letters were sent to Bitterroot Disposal requesting comments on October 6, 2011 and October 31, 2011; however, no comments have been received to date. (Gleason Lots Subdivision File)

Postal Service

23. The United States Postal Service (USPS) sent a letter to the Planning Department on June 8, 2007 and an email on June 29, 2007 requesting that Collection Box Units (CBUs) be required for all subdivisions with eight or more lots (or if the local post office requests a CBU) and that the locations of the boxes be approved by the USPS (Exhibit A-3).
24. This subdivision is proposing two (2) lots. (Gleason Lots Subdivision Preliminary Plat)

Utilities

25. Existing utility easements are located along Eastside Highway. (Gleason Lots Subdivision Preliminary Plat)
26. A proposed 30-foot utility easement for connection to Corvallis Sewer District is shown along the western edge of Parcel A, Certificate of Survey #4302. The parcel is owned by the Gleasons. (Gleason Lots Preliminary Plat)
27. The proposed subdivision will be served by NorthWestern Energy and Qwest Communications. (Gleason Lots Subdivision Application – Subdivision Questionnaire; Summary of Probable Impacts)
28. Notification letters were sent to NorthWestern Energy and Qwest Communications requesting comments on October 6, 2011 and October 31, 2011; however, no comments have been received to date. (Gleason Lots Subdivision File)

Conclusions of Law

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

Fire District

2. Each lot shall be located within a fire district. (Section 5-7-4(a), RCSR)

3. Because the subject property is located within the Corvallis Rural Fire District, the proposal complies with Section 5-7-4(a), RCSR. (Staff Determination)

School District

4. A copy of the letter sent to the appropriate school district(s) stating the applicant has made or is not willing to make a voluntary contribution to the school district to mitigate impacts of the subdivision on the school district that are not related to capital facilities shall be submitted with the final plat submittal. (Final Plat Requirement 24)
5. A governing body may not deny approval of a proposed subdivision based solely on the subdivision's impacts on educational services. (MCA, 76-3-608(1))
6. Impact fees can be levied only when a jurisdiction has followed the guidelines and requirements as specified within Senate Bill 116. The Corvallis School District has completed an Impact Fee Study but the Board of County Commissioners has not adopted impact fees. (Staff Determination)

Roads

7. The MDT's Access Encroachment Policy establishes guidelines for the issuance of approach permits. New approaches are issued by the Missoula District Traffic Engineer. (Exhibit A-2)
8. Based on the lot configuration and proposed common approach, all lots will have legal and physical access. (Staff Determination)
9. The subdivider shall submit a final approved approach permit from the MDT for the common access driveway prior to final plat approval. (Final Plat Requirement 13)

Water and Wastewater Districts

10. The subdivider has provided minimum necessary information for public review as required by 76-3-622, MCA. (Staff Determination)

Solid Waste Services

11. The method of solid waste disposal may be specified during preliminary plat review Bitterroot Disposal was notified and no comments were received. (RCSR Section 5-7-2(a), Staff Determination)

Mail Delivery Services

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

Utilities

13. Existing and proposed utility easements shall be shown on the final plat. (Final Plat Requirement 2)
14. The subdivider shall submit utility availability certifications prior to final plat approval. (Final Plat Requirement 18)

Overall Local Services Conclusion

15. 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 local services will be sufficiently mitigated. (Staff Determination) ✓

CRITERION 4: EFFECTS ON NATURAL ENVIRONMENT

Findings of Fact:

Surface Water Features

1. The Corvallis Canal abuts the eastern edge of the subject property. (Gleason Lots Preliminary Plat)

2. There are no existing surface water features within the subject property boundary. (Gleason Lots Subdivision Preliminary Plat)
3. There are no wetlands or other riparian areas within the subject property boundary. (Gleason Lots Subdivision Preliminary Plat)

Ground Water Quality

4. The subdivider is proposing individual wells and connection to the Corvallis Sewer District. (Gleason Lots Subdivision Application)
5. The subdivider submitted water and sanitation information per MCA 76-3-622. The Ravalli County Environmental Health Department (RCEH) provided documentation indicating that they have received adequate information for local subdivision review to occur. (Gleason Lots Subdivision Application – RCEH review checklist)

Air Quality

6. This proposed subdivision would add one additional residential lot to an area of existing rural residential and farmstead development to the southeast of Corvallis. (Gleason Lots Subdivision Preliminary Plat)
7. The Montana Department of Environmental Quality (DEQ) has reviewed the PM2.5 (particulate matter <= 2.5 micron) data collected in 2007 and incorporated it into the PM2.5 dataset from the previous three years (2004-2006). As part of that analysis, DEQ identified several communities that continue to experience poor air quality during certain time periods each year. Those communities are located in the following counties: Lincoln, Missoula, Silver Bow, Ravalli, Gallatin, Lewis & Clark, Flathead, Sanders, Yellowstone and Cascade.
8. Sources of particulate from this subdivision could include vehicles, wood-burning stoves and open burning. (Staff Determination)

Light Pollution

9. The addition of one new residential home in an area that currently has low to medium density development has a limited potential to create light pollution. Sky glow, glare, light trespass into neighbor's homes, and energy waste are some of the components of light pollution. (International Dark-Sky Association)

Vegetation

10. The subdivider submitted a Ravalli County Subdivision Noxious Weed Evaluation Form, in accordance with the element submittal requirements of the RCSR. (Gleason Lots Subdivision Application – Noxious Weed Evaluation)
11. According to the Montana Natural Heritage Program, no plant species of concern were identified within the same section as the proposed subdivision. (Gleason Lots Subdivision File)

Historical/Archeological Sites

12. A letter dated July 25, 2011 from Damon Murdo of the State Historic Preservation Office (SHPO) states that there are no known sites of historical significance on the property and a cultural resource inventory is unwarranted at this time. (Gleason Lots Subdivision Application)

Conclusions of Law:

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

Surface Water Features

2. Based on a lack of surface water features in proximity to the proposed subdivision, there should be no impact associated with surface water features. (Staff Determination)

Ground Water Features

3. The initial RCEH submittal indicates that the site should be suitable for the proposed wells and connection to the Corvallis Sewer District. This will be verified with the submittal of the final RCEH approval of the subdivision. (Staff Determination and Final Plat Requirement 9)

Vegetation

4. Impacts from this subdivision on natural vegetation will be minimal given the existing conditions. The impacts on weeds will be sufficiently mitigated with implementation of an approved weed management plan. (Staff Determination)

Overall Natural Environment Conclusion

5. 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 the natural environment will be sufficiently mitigated. (Staff Determination) ✓

CRITERION 5: EFFECTS ON WILDLIFE

Findings of Fact:

1. Notification letters were sent to Montana Fish, Wildlife, & Parks (FWP) requesting comments on October 6, 2011 and October 31, 2011. (Gleason Lots Subdivision File)
2. Correspondence was received from FWP on October 26th that recommends including their commercial "living with wildlife" covenants. (Exhibit A-4)
3. At the time of preliminary plat submittal and according to the Montana Natural Heritage Program (MNHP), Bull Trout, Bald Eagle, Great Blue Heron, Fringed Myotis and Townsend's Big-eared Bat were identified as species of concern within the same section as the proposed subdivision. An updated map was received from MNHP on November 3rd, 2011. No other new species were identified. (Ravalli County GIS; Gleason Lots Subdivision Application – MNHP Report (Exhibit A-5)
4. The subdivider requested and received a waiver from the requirement to submit a sensitive species report for the above-listed species due to lack of potential habitat on the property. (Gleason Lots Subdivision File)

Conclusions of Law:

1. A subdivision proposal must be reviewed for its impacts on wildlife. (MCA 76-3-608(3), RCSR Section 3-2-8(b)(v)(E))
2. The Planning Department has found that the requested "Living with Wildlife" covenants are better suited to be recorded as part of the Notifications Document as the items listed within the document are more closely identified as recommendations for landowners rather than restrictions. (Staff Determination)

Overall Wildlife Conclusion

3. Based on the findings of the Sensitive Species Report Waiver and the recommended mitigating conditions of approval, potentially significant adverse impacts of the subdivision on wildlife habitat will be sufficiently mitigated. (Staff Determination) ✓

CRITERION 6: EFFECTS ON WILDLIFE HABITAT

Findings of Fact:

1. Notification letters were sent to Montana Fish, Wildlife, & Parks requesting comments on October 6, 2011 and October 31st, 2011. (Gleason Lots Subdivision File)
2. Correspondence was received from FWP on October 26th that they have no comment on this project. However, FWP had recently submitted comments for a proposal on a neighboring property. FWP notes that a range of wildlife species, including deer, elk, coyote, fox, skunk, magpie, black bear and mountain lion are likely to be encountered on the property, along with numerous small bird species. Consequently, there is a higher probability of human-wildlife conflict within the proposed subdivision and FWP recommends including "living with wildlife"

covenants. (Exhibit A-4)

3. At the time of preliminary plat submittal and according to the Montana Natural Heritage Program (MNHP), Bull Trout, Bald Eagle, Great Blue Heron, Fringed Myotis and Townsend's Big-eared Bat were identified as species of concern within the same section as the proposed subdivision An updated map was received from MNHP on November 3rd, 2011. No other new species were identified.. (Ravalli County GIS; Gleason Lots Subdivision Application – MNHP Report, Exhibit A-5)
4. The subdivider requested and received a waiver from the requirement to submit a sensitive species report for the above-listed species due to lack of potential habitat on the property. (Gleason Lots Subdivision File)

Conclusions of Law:

1. A subdivision proposal must be reviewed for its impacts on wildlife habitat. (MCA 76-3-608(3), RCSR Section 3-2-8(b)(v)(E))

Overall Wildlife Habitat Conclusion

2. Based on the findings within the Sensitive Species Report Waiver and the recommended mitigating conditions of approval, potentially significant adverse impacts of the subdivision on wildlife habitat will be sufficiently mitigated. (Staff Determination)

CRITERION 7: EFFECTS ON PUBLIC HEALTH & SAFETY

Findings of Fact:

Traffic Safety

1. The property will be accessed via Eastside Highway. (Gleason Lots Subdivision Preliminary Plat)
2. The applicant submitted evidence that the MDT may grant an approach for the common driveway. (Gleason Lots Subdivision Application)

Emergency Vehicle Access and Response Time

3. The proposed subdivision will be served by the Corvallis Rural Fire District, the Ravalli County Sheriff's Office, and Marcus Daly Memorial Hospital EMS Department. (Gleason Lots Subdivision Application)
4. Notification letters were sent to the Corvallis Rural Fire District, the Ravalli County Sheriff's Office, and Marcus Daly Memorial Hospital EMS Department requesting comments on October 6, 2011 and October 31st, 2011; however, no comments have been received to date. (Gleason Lots Subdivision File)

Water and Wastewater

5. The subdivider is proposing individual wells and connection to the Corvallis Sewer District. The subdivider submitted water and sanitation information per MCA 76-3-622. The Ravalli County Environmental Health Department provided documentation indicating that they have received adequate information for local subdivision review to occur. Additionally, evidence that connection to the Corvallis Sewer District is permitted has been included within the preliminary plat submittal. (Gleason Lots Subdivision Application)

Natural and Man-Made Hazards

6. A Floodplain Analysis Waiver was granted for the project. Previous Floodplain Analysis for Willow Creek had recently been completed for projects on adjacent properties. The Floodplain Administrator provided comments and recommendations to accompany the waiver approval. (Exhibit A-3)
7. According to a document titled "Radon and You, Promoting Public Awareness of Radon in Montana's Air and Ground Water" published by DEQ and the Montana Bureau of Mines and Geology, there is a high potential for radon in Ravalli County. (DEQ)

Conclusions of Law:

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

Traffic Safety

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

Emergency Vehicle Response Time

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

Water and Wastewater

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

Natural and Man-made Hazards

6. Radon exposure risks can be minimized through the mitigating conditions of approval and requirements of final plat approval. (Staff Determination)
7. Hazards posed by limited soils can be minimized through the mitigating conditions of approval and requirements of final plat approval. (Staff Determination)
8. Measures that future property owners should take to prevent risks associated with flooding have been incorporated into the Notifications Document that will be filed with the subdivision. (Condition 1)

Overall Public Health and Safety Conclusion

9. 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 public health and safety will be sufficiently mitigated. (Staff Determination)