REQUEST FOR COMMISSION ACTION

OG-12-04-67

Hearing: May 3rd, 2012 at 9:00 A.M.

Request: **To act on the Victor Mercantile Subdivision.**

I. Action Requested

This is a request from Ray Daguerre, represented by Steve Powell of Powell Surveying, to approve the Victor Mercantile Subdivision.

II. Subdivision Proposal

A. Overview

The Victor Mercantile subdivision is a 2-lot proposed commercial subdivision on 1.65 acres, located just west of U.S. Highway 93 in the community of Victor.

B. Additional Information

1. Planning Department Staff Report
2. Agency Comments

III. Planning Staff Recommendation

Planning Staff recommends conditional approval of the subdivision. (See attached Staff Report)

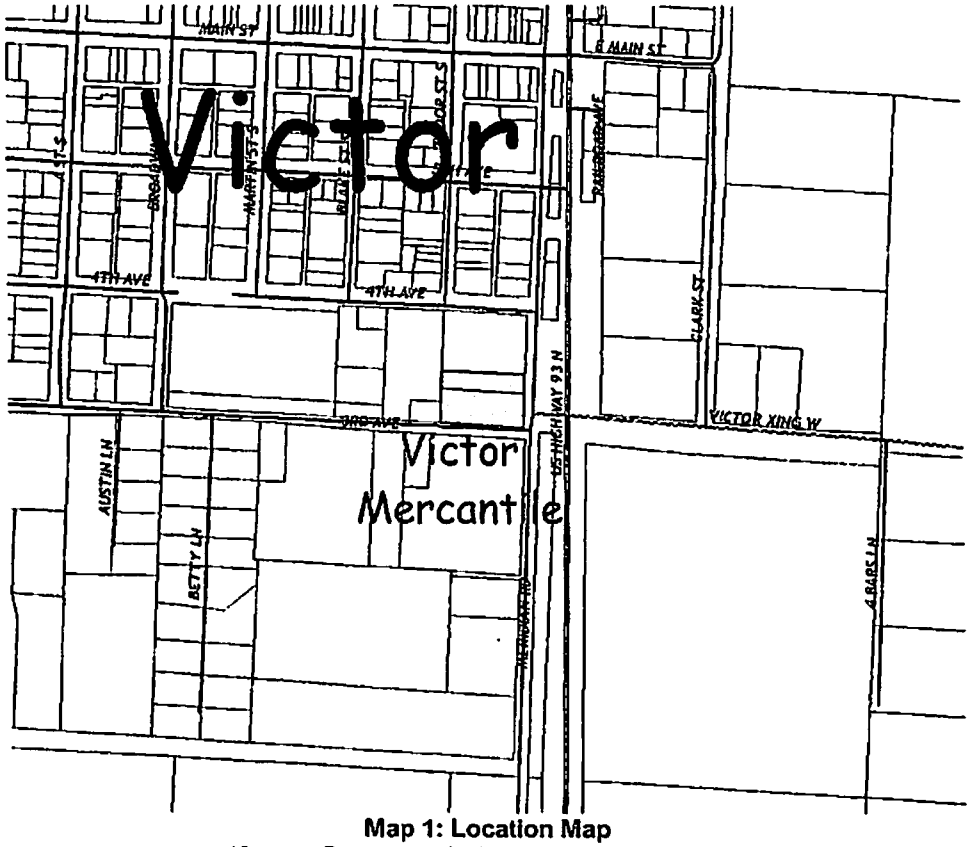
Enc: Staff Report
Agency Comments

Staff: KW Kevin Waller/Terry Nelson
Date: April 24, 2012
Cc: Powell Surveying, Inc.
Ray Daguerre

VICTOR MERCANTILE / LIFELINE CREAMERY
TWO-LOT MINOR SUBDIVISION

STAFF REPORT FOR BOARD OF COUNTY COMMISSIONERS

CASE PLANNER:	Terry Nelson
REVIEWED/ APPROVED BY:	Terry Nelson
PUBLIC MEETINGS:	BCC Public Meeting: 9:00 am., May 3, 2012 Deadline for BCC action (35 working days): May 28, 2012
SUBDIVIDER:	Raymond Daguerre 2424 Meridian Road Victor, MT 59875
REPRESENTATIVE:	Powell Surveying, Inc. 341 Grantsdale Road Hamilton, MT 59840
LOCATION OF REQUEST:	The property is located within the Community of Victor at the corner of Meridian Road and 3rd Avenue. *(See Map 1)*



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

LEGAL DESCRIPTION OF PROPERTY: Parcel 2 of Certificate of Survey #593424, located in the SW ¼ of Section 30 and the NW ¼ of Section 31, T8N, R20W, P.M.M., Ravalli County, Montana.

APPLICATION INFORMATION: The subdivision application was deemed sufficient for public review on April 9th, 2012. Agencies were notified of the subdivision on March 5th, 2012 and April 12th, 2012. Comments received from agencies are Exhibits A-1 through A-7 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 April 11th, 2012. A legal notice was placed in the Ravalli Republic on April 18th, 2012. No public comments have been received to date.

DEVELOPMENT PATTERN:

Subject property:	Existing restaurant, grocery store, and creamery
North:	Restaurant
South:	Dental Office
East:	Highway - Residential
West:	Residential

INTRODUCTION

Victor Mercantile Subdivision is a two-lot minor subdivision proposed on 1.65 acres. Both lots are proposed to serve existing commercial activities. Lots are already hooked-up to the Victor Sewer District and have a shared well.

Staff recommends approval of the subdivision proposal.

RAVALLI COUNTY BOARD OF COUNTY COMMISSIONERS
MAY 3, 2012

Victor Mercantile Subdivision
TWO-LOT MINOR SUBDIVISION

PLANNING STAFF RECOMMENDED MOTIONS

1. That the Victor Mercantile 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 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. Victor 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 Victor Rural Fire District for further information. *(Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health & 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)*

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 evidence that a $900-per-lot contribution has been made to the Victor Rural Fire District, 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 Victor 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. Any shared access points shall be labeled as "common access and utility easement" on the final plat. The subdivider shall include a Common Access Maintenance Agreement for any shared accesses. *(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 frontages with Meridian Road and 3rd Avenue, excepting the approved accesses, as depicted on the preliminary plat. *(Section 3-2-8(b)(v)(C ,F), 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, 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.)

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 the West boundary of the subdivision. There are also existing utilities in the Meridian Road right-of-way. There are no new proposed utilities. The buildings are existing. (Victor Mercantile Subdivision Application and Preliminary Plat)
2. A proposed 30-foot sewer easement to the Victor Sewer District is shown along the western edge of the subdivision centered on the existing sewer main. The existing sewer main is outside of the current sewer easement (to be abandoned). (Victor Mercantile 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 Meridian Road and Third Street. (Victor Mercantile Preliminary Plat, Ravalli County GIS)
2. Two new approaches were installed on Meridian Road by MDOT in 2011 during the Highway 93 Expansion project. Kelvin Grover from the Ravalli County Road and Bridge Department stated that the 2 existing Meridian approaches were put in by the Highway Department and no approach permits would be required and the approaches are OK. (1-24-2012 phone conversation with Kelvin Gover of RCRBD)
3. The access on 3rd Avenue does not provide primary access to the subdivision. (Staff determination)
4. There are no physical obstructions preventing access to the site from Meridian Road or 3rd Avenue. (Staff Site Visit 10/3/11)

Conclusions of Law

1. Legal Access will be provided to each proposed lot within the subdivision via Meridian Road, a county-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. (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

There are no watercourses or irrigation canals on or adjacent to the property. (Ravalli County GIS Information, Subdivision Application)

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, MCA 76-3-504(1)(k) 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. (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. (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. (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. (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

There are no existing covenants or deed restrictions on the property. (Subdivision Application, Ravalli County Clerk and Recorder's Office)

Conclusions of Law

Current records indicate that there are no covenants or deed restrictions that apply to this property. (Staff Determination)

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 November 2, 2011. (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 commercial rural. (Montana Cadastral Database created by Montana Department of Administration, Information Technology Services Division, Geographic Information Services)
2. The property is not adjacent to agricultural properties. (Montana Cadastral Database created by Montana Department of Administration, Information Technology Services Division, Geographic Information Services)
3. The property is not under cultivation. (Subdivision File)
4. There is very little unimproved land area in the subdivision. (Staff determination)
5. According to the newest NRCS Web Soil Survey data, there are no soils on the property listed as prime farmland or farmland of statewide importance located on the property. (Subdivision Application)
6. The Lifeline Creamery is a significant contribution to the success of agriculture in the County. (Subdivision Application)

Conclusions of Law:

1. A subdivision proposal must be reviewed for its impacts on agriculture. (MCA 76-3-608(3), Section 3-2-7(b)(1), RCSR)

2. Allowing commercial development in an area of existing residential and commercial development, on land that is not classified as prime farmland or farmland of statewide importance, benefits the conservation of existing prime farm soils elsewhere in the County. (Staff Determination)
3. There are no agricultural activities being conducted within close proximity of the subject property. (Staff Determination)

Overall Agriculture Conclusion

4. 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. (Victor Mercantile Subdivision Application – Questionnaire; Summary of Probable Impacts)
2. There are no irrigation facilities on or within 300 feet of this property. (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))
2. As no water rights are associated with the subject property and there is no irrigation infrastructure present on or adjacent to the subject property, the subdivision will have no impact on agricultural water user facilities. (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 Victor Rural Fire District. (Subdivision Application – Subdivision Questionnaire; Ravalli County GIS Data)
2. The Victor Rural Fire District has a station (Victor Station #1) less than 1/4 mile to the northwest from the proposed subdivision. (Ravalli County GIS)
3. The Victor 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-5)
4. Existing accesses off of Meridian Road will provide emergency access to the two proposed lots. There is also an alley way on the West side of the property for emergency access. (Subdivision Preliminary Plat)
5. The Ravalli County Planning Department sent notification letters to the Victor Rural Fire District requesting comments on the proposal on March 5th, 2012 and April 12th, 2012; however, no agency comments have been received to date. (Subdivision File)
6. According to a discussion with the subdivider's consultant on April 17th, 2012, the existing wells on the property will not support the fire flow requirements of the Fire Protection Standards. Accordingly, the Ravalli County Planning Department recommends that the subdivider make a $900 per-new-lot contribution to the Victor Rural Fire District, in lieu of on-site water storage, to mitigate the impacts of the commercial uses. (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 Victor School District, since the proposed subdivision is for commercial lots. (Subdivision Application).
8. The Ravalli County Planning Department sent notification letters to the Victor School District requesting comments on the proposal on March 5th, 2012 and April 12th, 2012; however, no comments have been received from the District to date. (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. (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. (Subdivision Application – Subdivision Questionnaire)
11. Notification letters were sent to the Ravalli County Sheriff's Office requesting comments on March 5th, 2012 and April 12th, 2012; however, no comments have been received to date. (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)

Emergency Services

13. Ambulance services will be provided by Marcus Daly Memorial Hospital EMS Department. Marcus Daly Hospital was contacted on April 12th, 2012; however, no comments have been received to date. (Subdivision File)

Roads

14. There are two proposed commercial lots with existing commercial businesses 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)
15. The property is accessed via Meridian Road (a county-maintained roadway). (Subdivision Application)
16. Each lot will each have individual access. The approaches were installed by MDT. No new approaches are proposed and no additional used is proposed. RCRBD will not require new approach permits. (Staff conversation with RCRBD 1-24-2012)

Water and Wastewater Districts

17. The existing buildings are already connected to the Victor Sewer District and share a well. (Subdivision Application)

Solid Waste Services

18. Bitterroot Disposal provides service to this site. (Subdivision Application)
19. Notification letters were sent to Bitterroot Disposal requesting comments on March 5th, 2012 and April 12th, 2012; however, no comments have been received to date. (Subdivision File)

Postal Service

20. 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-6).

21. This subdivision is proposing two (2) lots. (Preliminary Plat)

Utilities

22. Existing utility easements are located along Meridian Road and along the West portion of the subdivision. (Subdivision Preliminary Plat)
23. A proposed 30-foot utility easement for the existing main of the Victor Sewer District is shown along the western part of the subdivision. (Preliminary Plat)
24. The proposed subdivision will be served by NorthWestern Energy and Qwest Communications. (Subdivision Application – Subdivision Questionnaire; Summary of Probable Impacts)
25. Notification letters were sent to NorthWestern Energy and Qwest Communications requesting comments on March 5th, 2012 and April 12th, 2012. While no comments have been received from Qwest to date, NorthWestern stated via email that their company has no issues with the subdivision, on April 12th, 2012. (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 Victor Rural Fire District, the proposal complies with Section 5-7-4(a), RCSR. (Staff Determination)

School District

4. No additional students will be added to the school district, as these are two existing commercial businesses. (Staff Determination)
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. Based on the lot configuration and existing approaches, all lots will have legal and physical access. (Staff Determination)

Water and Wastewater Districts

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

Solid Waste Services

9. 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

10. 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

11. Existing and proposed utility easements shall be shown on the final plat. (Final Plat Requirement 2)

12. The subdivider shall submit utility availability certifications prior to final plat approval. (Final Plat Requirement 17)

Overall Local Services Conclusion

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

Ground Water Quality

3. The subdivider is proposing continued use of the shared well and connections to the Victor Sewer District. (Subdivision Application)
4. 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. (Subdivision Application – RCEH review checklist)

Air Quality

5. This proposed subdivision would add one additional commercial lot to an area of existing commercial and residential development in the community of Victor. (Subdivision Preliminary Plat)
6. 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.
7. Sources of particulate from this subdivision could include vehicles, wood-burning stoves and open burning. (Staff Determination)

Light Pollution

8. The existing commercial buildings are located in an area that currently has low to medium density development, and are not expected to generate any additional light pollution than what presently exists. 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

9. The subdivider submitted a Ravalli County Subdivision Noxious Weed Evaluation Form, in accordance with the element submittal requirements of the RCSR. (Subdivision Application – Noxious Weed Evaluation)
10. According to the Montana Natural Heritage Program (MHNP), one plant species of concern, chaffweed, was identified within the same sections as the proposed subdivision. (MHNP letter dated November 9, 2011)
11. The Ravalli County Planning Administrator granted a waiver from the sensitive species report requirement of RCSR 3-1-5(a)(xxxvii)(A) on January 23, 2012, as it was determined that the

property could not support the chaffweed species indicated above. (Subdivision Application, Exhibit A-7)

Historical/Archeological Sites

12. A letter dated March 8, 2012 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. (Subdivision Application, Exhibit A-1)

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 submission indicates that the site should be suitable for continued use of the existing individual wells and existing connection to the Victor Sewer main. This will be verified with the submission 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 and lack of vegetative species of concern on the property. 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 March 5th, 2012 and April 12th, 2012. (Subdivision File)
2. Correspondence was received from FWP on March 29th, 2012 and April 12th, 2012, indicating that there are no concerns for the project (Exhibits A-2 and A-3).
3. At the time of preliminary plat submission and according to MHNP, Western Toad, Great Blue Heron, Bald Eagle, Lewis' Woodpecker, Pileated Woodpecker, Clark's Nutcracker, Brown Creeper, Veery, Bobolink, Cassin's Finch, Western Cutthroat Trout, Bull Trout, Townsend's Big-eared Bat, Northern Alligator Lizard, Western Skink, and three species of A Subterranean Amphipod were identified as species of concern within the same sections as the proposed subdivision. (Ravalli County GIS; Subdivision Application – MNHP Report)
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. (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 within the Sensitive Species Report Waiver and the recommended mitigating conditions of approval, potentially significant adverse impacts of the subdivision on wildlife will be sufficiently mitigated. (Staff Determination)

CRITERION 6: EFFECTS ON WILDLIFE HABITAT

Findings of Fact:

1. Notification letters were sent to FWP requesting comments on March 5th, 2012 and April 12th, 2012. (Subdivision File)
2. Correspondence was received from FWP on March 29th, 2012 and April 12th, 2012, indicating that there are no concerns for the project (Exhibits A-2 and A-3).
3. At the time of preliminary plat submission and according to MHNP, Western Toad, Great Blue Heron, Bald Eagle, Lewis' Woodpecker, Pileated Woodpecker, Clark's Nutcracker, Brown Creeper, Veery, Bobolink, Cassin's Finch, Western Cutthroat Trout, Bull Trout, Townsend's Big-eared Bat, Northern Alligator Lizard, Western Skink, and three species of A Subterranean Amphipod were identified as species of concern within the same sections as the proposed subdivision. (Ravalli County GIS; Subdivision Application – MNHP Report)
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. (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. Each proposed lot will be accessed via Meridian Road. (Subdivision Preliminary Plat and Ravalli County GIS)
2. Two new approaches were installed by MDOT in 2011 on Meridian Road for the subject property, and no approach permits will therefore be required for the subdivision. (1-24-12 phone conversation with Kelvin Gover of RCRBD)

Emergency Vehicle Access and Response Time

3. The proposed subdivision will be served by the Victor Rural Fire District, the Ravalli County Sheriff's Office, and Marcus Daly Memorial Hospital EMS Department. (Subdivision Application)
4. Notification letters were sent to the Victor Rural Fire District, the Ravalli County Sheriff's Office, and Marcus Daly Memorial Hospital EMS Department requesting comments on March 5th, 2012 and April 12th, 2012; however, no comments have been received to date. (Subdivision File)

Water and Wastewater

5. The subdivider is proposing to continue use of the existing individual wells and existing connection to the Victor Sewer District main. 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. (Subdivision Application)

Natural and Man-Made Hazards

6. 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 preliminary plat indicates that the subdivision will not incorporate any new roads or pedestrian facilities beyond that which currently exist on the property. Impacts on traffic safety, therefore, will not change from those associated with the present commercial operations. (Staff Determination)

Emergency Vehicle Response Time

3. In accordance with Ravalli County Subdivision Regulation Design Standards and Victor 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)

Overall Public Health and Safety 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 public health and safety will be sufficiently mitigated. (Staff Determination)

RECEIVED
MAR 12 2012
Ravalli County Planning Dept.

EXHIBIT A-1

Big Sky. Big Land. Big History.
Montana Historical Society

Historic Preservation
Museum
Outreach & Interpretation
Publications
Research Center

March 8, 2012

Planning Department
215 South 4th Street; Suite F
Hamilton MT 59840

RE: VICTOR MERCANTILE MINOR SUBDIVISION. SHPO Project #: 2012030602

To whom it may concern:

Thank you for your letter regarding the above-cited project. It is SHPO's position that any structure over fifty years of age is considered historic and is potentially eligible for listing on the National Register of Historic Places. If any structures are to be altered and are over fifty years old we would recommend that they be recorded and a determination of their eligibility be made.

As long as there will be no disturbance or alteration to any structures over fifty years of age we feel that there is a low likelihood cultural properties will be impacted by any of these alternatives. We, therefore, feel that a recommendation for a cultural resource inventory is unwarranted at this time. However, should structures need to be altered or if cultural materials be inadvertently discovered during this project we would ask that our office be contacted and the site investigated.

If you have any further questions or comments you may contact me at (406) 444-7767 or by e-mail at dmurdo@mt.gov. I have attached an invoice for the file search. Thank you for consulting with us.

Sincerely,

Damon Murdo
Cultural Records Manager
State Historic Preservation Office

File: LOCAL/SUBDIVISIONS/2012

225 North Roberts Street
P.O. Box 201201
Helena, MT 59620-1201
(406) 444-2694
(406) 444-2696 FAX
montanahistoricalsociety.org

RECEIVED
MAR 2 9 2012
TC-12-03-32
Ravalli County Planning Dept.

Montana Fish, Wildlife & Parks * Exhibit A-2 *

Region 2 Office
3201 Spurgin Road
Missoula, MT 59804-3099
406-542-5500
Fax 406-542-5529
March 29, 2012

Kevin Waller
Planning Department
Ravalli County
215 S. 4th St., Ste. F
Hamilton, MT 59840

Reference: Victor Mercantile (Tract 2, COS 593424-R; owner Ray Daguerre)--Proposed minor subdivision (2 lots on 1.65 acres; T8N, R20W, Sec 30 SW4; Geocode 13-1666-30-3-01-14-0000) at Victor

Dear Mr. Waller:

Montana Fish, Wildlife and Parks (FWP) has reviewed the agency comment information and preliminary plat you provided for this proposed 2-lot subdivision, and we have no comments. Thank you for providing the opportunity for FWP's input.

Sincerely,

Mack Long
Regional Supervisor

ML/sr

RECEIVED
APR 12 2012
Ravalli County Planning Dept.

Kevin Waller

IC-12-04-55
EXHIBIT A-3

From: Rose, Sharon [shrose@mt.gov]
Sent: Thursday, April 12, 2012 2:37 PM
To: Kevin Waller
Subject: RE: Second Agency Comment Request for Victor Mercantile Subdivision in Ravalli County

Thanks, Kevin.
No further comment from us.
Sharon

Sharon Rose
Comments Coordinator
Region 2 MT Fish, Wildlife & Parks
3201 Spurgin Rd, Missoula, MT 59804-3101
Phone 406-542-5540
Fax 406-542-5529
Email shrose@mt.gov

From: Kevin Waller [mailto:kwaller@rc.mt.gov]
Sent: Thursday, April 12, 2012 10:04 AM
To: Justin.Merkel@northwestern.com; Rose, Sharon; victorfd@cybernet1.com; Chris Hoffman; kellieann_rcwd@yahoo.com; Murdo, Damon; pearson@victor.k12.mt.us
Subject: Second Agency Comment Request for Victor Mercantile Subdivision in Ravalli County

Good Morning:

Attached, please find an Agency Comment Request and location map for a proposed 2-lot subdivision in the community of Victor. If you have any questions, please do not hesitate to contact me. Thank you, and have a great day!

Sincerely,

Kevin Waller

Planner
Ravalli County Planning Department
215 South 4th Street, Suite F
Hamilton, Montana 59840
(406) 375-6529
(406) 375-6531 (Fax)
planning@rc.mt.gov

Exhibit A-4

RECEIVED
APR 12 2012
Ravalli County Planning Dept
IC-12-04-56

Kevin Waller

From: Holden, Matt [matt.holden@northwestern.com]
Sent: Thursday, April 12, 2012 3:52 PM
To: Kevin Waller
Subject: FW: Second Agency Comment Request for Victor Mercantile Subdivision in Ravalli County
Attachments: Second Agency Notif.-Victor Mercantile.pdf; Reduced Plat and Vicinity Map.pdf

Mr. Waller –
I just wanted to touch base with you and let you know that Justin Merkel is no longer in Hamilton for Northwestern Energy. I have taken his place.
My contact email is matt.holden@northwestern.com

Regarding the Subdivision, we have no issues.

Thanks Kevin.

Matt

Matthew J. Holden

Manager - Hamilton District
Missoula Division

(406)542-5970 - office
(406)546-1665 - cell
(406)363-5669 - fax
www.northwesternenergy.com

NorthWestern Energy

From: Merkel, Justin
Sent: Thursday, April 12, 2012 10:11 AM
To: Holden, Matt
Subject: FW: Second Agency Comment Request for Victor Mercantile Subdivision in Ravalli County

Matt,
I must still be on the list for Ravalli County utility contact. I do not think this subdivision affects transmission. Please review and let me know if you need anything from the transmission group.
Justin

From: Kevin Waller [mailto:kwaller@rc.mt.gov]
Sent: Thursday, April 12, 2012 10:04 AM
To: Merkel, Justin; shrose@mt.gov; victorfd@cybernet1.com; Chris Hoffman; kellicann_rcwd@yahoo.com; dmurdo@mt.gov; pearson@victor.k12.mt.us
Subject: Second Agency Comment Request for Victor Mercantile Subdivision in Ravalli County

Good Morning:

Attached, please find an Agency Comment Request and location map for a proposed 2-lot subdivision in the community, of Victor. If you have any questions, please do not hesitate to contact me. Thank you, and have a great day!

Sincerely,

Kevin Waller

Planner
Ravalli County Planning Department
215 South 4th Street, Suite F
Hamilton, Montana 59840
(406) 375-6529
(406) 375-6531 (Fax)
planning@rc.mt.gov

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RECEIVED
JUL 2 7 2009
IC-09-07-572
Ravalli County Planning Dept.
Exhibit A-5

Ravalli County Fire Council
Ravalli County, Montana
November 2008

FIRE PROTECTION STANDARDS

The Ravalli County Fire Council (RCFC) has adopted Fire Protection Standards (FPS) for all new subdivisions within Ravalli County. These standards were established with consideration for the life and safety of the residents of Ravalli County, as well as the volunteer firemen and firewomen who protect Ravalli County, and to mitigate possible harm to the general public.

In establishing these standards emphasis was given to the National Fire Protection Association (NFPA) 1 Uniform Fire Code and The Ravalli County Subdivision Regulations (as amended May 24, 2007). These codes and regulations establish rules for dealing with fire apparatus access roads, fire department access to buildings, water supplies for fire protection, installation and maintenance of fire-protection systems and clearance of brush and vegetative growth from roadways.

Consideration was also given to Section 23.7.105 Administrative Rules of Montana, which is adopted pursuant to authority of 50-3-102 (2) and 50-3-103, MCA, which incorporates by reference the NFPA 1 Uniform Fire Code and establishes a minimum fire prevention code for Montana.

ACCESS ROADS

As used in this document, fire apparatus access roads include both internal subdivision roads, and individual driveways leading to structures from County or non-County maintained roads. Where the provisions of this document differ from the provisions of NFPA 1, the provisions of this document shall control.

The Fire District/Department requires that all roads and bridges meet or exceed, and are maintained to, the minimum requirements of the NFPA 1, Chapter 18, which reads in part:

18.2.2.1 Required Access. Fire apparatus access roads shall be provided in accordance with Section 18.2 for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction of a Fire District in Ravalli County.

18.2.2.2 Access To Buildings. A fire apparatus access road shall extend to within 50 ft (15 m) of a single exterior door providing access to the interior of the building.

18.2.2.3.1 Additional Requirements For Access To Buildings. Fire apparatus access roads shall be provided such that any portion of the facility or any portion of an exterior wall of the first story of the building hereafter constructed or moved into or within the

jurisdiction is located not more than 150 feet (46 m) from fire apparatus access roads as measured by an approved route around the exterior of the building or facility.

18.2.2.4 Multiple Access Roads. More than one fire apparatus access road shall be provided when it is determined by the Fire Chief that access by a single road could be impaired by vehicle congestion, condition of terrain, climatic conditions or other factors that could limit access.

18.2.2.5.1 Dimensions. To allow the safe passage of fire apparatus to and from an incident, fire apparatus access roads shall have an unobstructed travel surface not less than 20 feet in width (6.1 m) and one-foot shoulders on each side for a total width of 22-feet, and an unobstructed vertical clearance of not less than 13 feet 6 inches (4.1 m) over its entire length.

18.2.2.5.2 Surface. Fire apparatus access roads, including internal subdivision roads and individual driveways, shall be designed and maintained to support the imposed loads of fire apparatus over its entire length and shall be provided with a surface so as to provide all-weather driving capabilities.

- The surface of internal subdivision roads shall meet the specifications of the Ravalli County Subdivision Regulations.
- The surface of individual driveways shall be graded and surfaced with gravel, at a minimum.

18.2.2.5.6 Grade. The gradient for a fire apparatus access road shall not exceed the maximum approved by the Fire Chief. The Board of County Commissioners of Ravalli County set the maximum acceptable road grade at ten percent (10%). The Fire Chief may request that access roads be built to not exceed a grade of 6%. The Fire Chief shall write or otherwise contact the Planning Department with the specific request, and outline the rationale for making such a request. The request shall be made prior to the Commissioners meeting/hearing on the proposal.

18.2.2.5.7 Marking of Fire Apparatus Access Road. The Fire District/Department requests that as soon as construction begins all lots (premises) be posted with a temporary or permanent address at the premises driveway and upon occupancy with a permanent address posted in accordance with the NFPA 1.

Exception: When buildings are completely protected with an approved automatic sprinkler system, the provisions of NFPA 1, Chapter 18, may be modified by the Fire Chief.

While not all parts of the NFPA 1 are listed above it is the responsibility of the Subdivision Developer to construct and maintain all fire apparatus access roads to comply with all aspects of the NFPA 1 and the road standards as stated in the Ravalli County Subdivision Regulations.

BUILDING STANDARDS

The RCFC requests that all residential buildings be built to International Residential Building Code (IRBC) standards in order to protect persons and property, and that all subdivisions shall be planned, designed, constructed and maintained so as to minimize the risk of fire and to permit effective and efficient suppression of fires.

FIRE FLOW REQUIREMENTS

At a minimum, every subdivision shall be provided with a water supply for the purpose of fire fighting as specified in NFPA 1. Fire flow requirements will be based upon the smallest lot size in a subdivision. Subdivisions may provide water according to the provisions below, or provide $900 per lot cash-in-lieu of water.

Single-Family Dwellings:

Acres Per Lot/Density	Required GPM	Fire Flow Requirement Options
20 or more acres per lot	500/one hour	#1 or #2 or #3
5 - 19.99 acres	500/two hours	#1 or #2
1 - 4.9 acres	750/two hours	#1 or #2
.5 - .99 acres	1000/two hours	#1 or #2
.25 - .49 acres	1000/two hours	Hydrants spacing every 1000 feet, and #2
Less than .25 acres	1500/two hours	Hydrants spacing every 500 feet, and #2 or #4

Fire Flow Requirement Options

Option #1. Water shall be supplied by a well and pump with required volume and minimum pressure of 20 PSI. An overhead fill may be required in order to fill tankers. The fill site must be useable year round and the Fire District/Department must have legal access in perpetuity.

Option #2. Water shall be supplied by a tank/pressurized hydrant combination. The tank may be constructed from plastic, concrete, fiberglass or other materials capable of holding and maintaining the required water supply. The tank must be built and installed so as to last a minimum of 30 years. The pump must be capable of delivering the required gpm at a minimum of 20 PSI from an approved fire hydrant. The system shall be inspected and certified by a Professional Engineer and a copy of the inspection and certification will be provided to the Fire District/Department and to the County Planning Department prior to the filing of the final plat.

Option #3. 30,000 gallon storage with dry hydrant. Dry hydrant applications may be used for ponds, streams and lakes. The system must be designed to be useable and accessible year round. All pipe must be a minimum of 6 inch diameter and the threads at the outlet must be 6 inch male NST.

Option #4. Water shall be supplied by a community water system. The system shall be capable of delivering the required gpm at a minimum of 20 PSI from approved fire hydrants. The system shall be inspected and certified by a Professional Engineer and a copy of the inspection and certification will be provided to the Fire District/Department and County Planning.

Single-Family Dwellings Greater Than Two Stories:
In addition to providing water supply according to the above requirements, single-family dwellings more than two stories in height above ground are required to install a residential sprinkler system. The system shall be engineered, installed, fully operational and compliant with the current edition of the applicable NFPA standard.

Buildings Other Than Single-Family Dwellings:
All other developments including multi-family dwellings, commercial, industrial, or mixed use buildings require fire flows higher than 500 GPM for 120 minutes and will have to be engineered by the developer to determine needed fire flows in accordance to NFPA 1 fire flow requirements. The Fire District/Department shall approve of the design for fire flow prior to construction and the fire flow facilities after construction.

Buildings other than single-family dwellings shall be sprinkled according to NFPA standards. Commercial storage units are exempt from sprinkling requirements.

Cash-in-lieu of Water Option:
The Fire District/Department realizes the financial burden of installing and maintaining a water supply and or storage tanks capable of providing the required water flows and is willing to accept a voluntary contribution payment of $900.00 (Nine Hundred Dollars) per lot, in lieu of the water supply required by the NFPA 1. Payment of $900.00 per lot will be due prior to the final plat approval of the subdivision. Funds paid in lieu of the water supply required by the NFPA 1 will be used to maintain or improve fire protection within the District/Department.

Reduced Required Fire Flow with Sprinkler System:
If all habitable structures are sprinkled according to NFPA standards, then up to one half of the water supply requirements will be waived and the in lieu of payment schedule may be reduced by 50% (fifty percent). The Subdivision Covenants must state that "All residences constructed within the subdivision will be protected with an approved automatic sprinkler system." Payment for the reduced amount of $450.00 per lot will be due prior to the final plat approval of the subdivision. If at any time any residence is built within the subdivision without an approved sprinkler system, all lots will be subject to an additional $450.00 payment, regardless of whether they have sprinklers in residences located on them or not.

Maintenance:
The water supply installation, upkeep and maintenance will be the responsibility of the Subdivision, pursuant to NFPA 1, Section 18.3.5. A homeowners association must be created. Homeowners association documents shall describe how water supply systems are

to be maintained currently and in the future, by whom, and how local fire protection authority can be assured that the water supply will function appropriately. An easement for unrestricted use by the fire department, in perpetuity, of the water supply system shall be recorded and noted on the plat. The fire department will not be responsible for any maintenance, electricity, or any costs associated with enhancements, upgrades or other measures necessary to assure the system functions to original specifications.

Ravalli County Fire Council:

Florence Volunteer Fire District

Three Mile Volunteer Fire District

Stevensville Rural Volunteer Fire District

Pinesdale Volunteer Fire District

Victor Volunteer Fire District

Corvallis Volunteer Fire District

Hamilton Rural Fire District

Darby Volunteer Fire District

Sula Volunteer Fire District

West Fork Volunteer Fire District

BUT CHF

Painted Rocks Volunteer Fire District

BIG SKY DISTRICT
GROWTH MANAGEMENT

UNITED STATES
POSTAL SERVICE

RECEIVED
JUN 1 2007
Ravalli County Planning Dept.

IC-07-06-729

Exhibit A-6

June 8, 2007

To: County Planning Office

Subject: Mail Delivery Options for New Subdivisions

The US Postal Service would like to partner with your county in preliminary planning for new subdivisions. We are looking for methods to ensure mail delivery is available to customers on day one of occupancy in a new development. We are asking for your help to make sure we have a consistent approach across the state. Developers have approached us suggesting that mail delivery plans/requirements be included with the original applications to the county for plat approval. We think this is a wonderful idea.

Would your county be able to incorporate the following US Postal Service requirements into your plat applications?

- Centralized Delivery is the method of delivery for all subdivisions and/or developments including commercial developments.
- Developers/owners should contact their local Post Office before making plans for the location of centralized delivery. Locations for Centralized Delivery installation are determined by the US Postal Service or by mutual agreement.
- The purchase of Collection Box Units (CBU's) is the responsibility of the developer or owner(s). A current list of authorized manufacturers is attached.
- The attached outlines concrete pad specifications for CBU placement.

We have had incredible success in other Montana counties by combining planning requirements into the initial plat applications and look forward to the continued success with your county. This process has made it much easier for developers, owners, and residents to quickly and easily obtain mail delivery.

Please contact me at 406-657-5710 or at the address below with any questions you may have in regards to new growth policies of the US Postal Service within our Big Sky District.

Sincerely,

Mike Wyrwas
Growth Management Coordinator
Big Sky District

841 S 20th STREET
BILLINGS, MT 59101-9334
PHONE 406-657-5710
FAX 406-657-5768
EMAIL MIKE.WYRWAS@USPS.GOV

Randy Fifrick

From: Wyrwas, Mike - Billings, MT [mike.wyrwas@usps.gov]
Sent: Friday, June 29, 2007 9:26 AM
To: Randy Fifrick
Subject: RE: Mail Delivery Options for New Subdivisions

Randy:

We are on the same page in regards to mail delivery options for new subdivisions, with the following exceptions:

1) If a subdivision has less than eight (8) lots, centralized delivery may be required if the entrance to a subdivision is a private road or the local post office feels that a CBU is more efficient than a row of rural mail boxes.
3) CBU units do not have to be installed prior to final plat approval. They can be installed after final plat approval as long as the locations are approved by the local post office.

If situations do occur where your department does not review some building projects, please direct any questions regarding mail delivery to the local Postmaster.

Thanks for your attention to our mail delivery options.

Mike Wyrwas
Operations Programs Support

-----Original Message-----
From: Randy Fifrick [mailto:rfifrick@ravalli county.mt.gov]
Sent: Tuesday, June 26, 2007 8:59 AM
To: Wyrwas, Mike - Billings, MT
Subject: Mail Delivery Options for New Subdivisions

Hi Mike,

I discussed our conversation on June 26th and your letter dated June 8th with the rest of the Planning Department. I just wanted to confirm that we are on the same page as to the mail delivery options for new subdivisions. Following is a list of items the Planning Department should request or require from developers:

1) Centralized Delivery should be required for subdivisions of eight or more lots, including commercial subdivisions.
2) Developers/owners should submit plans for Collection Box Units (CBUs), including the locations, to their local post office. Locations for centralized delivery installation should be approved by the US Postal Service.
3) The purchase of the Collection Box Units (CBU's) is the responsibility of the developer or owner. The units should be installed by the developer prior to final plat approval.

Please be advised that certain situations do not require subdivision review so the projects never come through the Planning Department. Multi-unit commercial buildings constructed on one lot (strip mall, etc) do not require subdivision review if the units are structurally attached and will be rented/lease (not sold as condominiums).

Exhibit A-7

Planning Department
215 South 4th Street, Suite F
Hamilton, MT 59840
Phone 406-375-6530
Fax 406-375-6531
tnelson@rc.mt.gov

OG-12-01-13

January 23, 2012

Powell Surveying, Inc.
341 Grantsdale Road
Hamilton, MT 59840

Dear Mr. Powell:

We received your preliminary submittal for the Victor Mercantile subdivision on January 17th, 2012. Section 3-1-6(a) of the Ravalli County Subdivision Regulations requires the Planning Department to determine, within five working days, whether the subdivision application contains all elements listed in Section 3-1-5.

The Planning Department determined that the Victor Mercantile application does not contain all the required elements. The enclosed "Element Checklist for Subdivision Application Packets" shows which elements are missing (Items marked with an "X" under the *No* column). Concerning the deficiencies, a soils map is required and I don't see where a waiver is available in the regulations. You will need an approach permit if one does not already exist. I am checking with the Road Dept. on the pro-rata as it is their determination if Meridian Road is up to county standards. I would guess that it is, but that is not me decision. An approach permit as required above would document the legal and physical access. Our office cannot grant a waiver from the Weed Control Board, however, I spoke with Kellieann Morris from the Weed Department and sent her information concerning the subdivision. If they will grant a waiver, we will accept that. We are granting you a waiver on your request for a sensitive species report. Finally, you will need to provide a preliminary common access maintenance agreement.

Please submit the missing elements to the Planning Department within six months of the date of this letter. Sufficiency review will not begin until the Planning Department has determined that each element is included in the application.

If you have questions about the element or sufficiency review process, please call me at 375-6530.

Sincerely,

Terry Nelson

Terry Nelson
Planning Department Administrator

Cc: Ray Daguerre, 2424 Meridian Road, Victor, MT 59875
Subdivision file
Outgoing Correspondence file