

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. *(RCSR Section 4-7(B)(5), Effects on all seven 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. *(RCSR Section 4-7(B)(5)(c), Effects on Local Services; and (g), Effects on Public Health & Safety)*
4. The subdivider shall provide evidence with the final plat submission that they have applied for County-issued addresses for each lot within this subdivision. *(RCSR Section 4-7(B)(5)(c), Effects on Local Services; and (g), Effects on Public Health & Safety)*
5. Prior to final plat approval, the subdivider shall provide a letter from the Victor 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 Victor Rural Fire District with the final plat submission, in lieu of the required water supply or water storage for fire protection. *(RCSR Section 4-7(B)(5)(c), Effects on Local Services; and (g), Effects on 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 Victor Rural Fire Department for further information". *(RCSR Section 4-7(B)(5)(c), Effects on Local Services; and (g), Effects on 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. *(RCSR Section 4-7(B)(5)(c), Effects on Local Services; and (g), Effects on Public Health & Safety)*
8. The subdivider shall provide for 10-foot-wide irrigation easements on all irrigation ditches on the property that serve downstream water users, on the final plat. *(RCSR Section 4-7(B)(5)(b), Effects on Agricultural Water User Facilities)*
9. The final plat shall show and provide for access easements along the existing traveled way on the far eastern portions of Lots 5-A and 5-B. *(RCSR Section 4-7(B)(5)(c), Effects on Local Services)*
10. The final plat shall show a no-ingress/egress strip along the subdivision frontages with Bell Crossing West and U.S. Highway 93 North, excepting the approved accesses, as depicted on the preliminary plat. *(RCSR Section 4-7(B)(5)(c), Effects on Local Services; and (g), Effects on Public Health & Safety)*
11. The final plat shall show a "no-build/alteration zone" in the FEMA-mapped proposed floodway and proposed 100-year floodplain areas on Lots 5-A and 5-B. Generally, the no-build/alteration

zone will extend eastward from the area labeled "Significant Topographic Break" on the preliminary plat, to the easternmost boundary of Lots 5-A and 5-B. This no-build/alteration zone will also protect the identified natural watercourses and wetlands shown on the preliminary plat for the two proposed lots. These natural features shall also be shown on the final plat. If, at the subdivider's option, a wetland delineation study is completed that indicates a lack of wetlands on any portion of the lots, wetlands need not be shown in the applicable area(s) on the final plat. If the subdivider chooses to conduct a floodplain analysis on the lots, and a portion(s) of the lots are found to be outside the proposed FEMA-mapped floodplain/floodway, that area(s) shall be so labeled on the final plat, and a no-build/alteration zone will not be required for that particular area(s). However, if wetlands and/or natural watercourses are found to be present in those area(s), a no-build/alteration zone is still required to be placed over those features. In this scenario, a 100' no-build/alteration zone would be measured from the center-point of the wetlands or watercourse, and need not overlap onto adjacent properties or roadways. (RCSR Section 4-7(B)(5)(d-g), *Effects on Natural Environment, Wildlife, Wildlife Habitat, and Public Health & Safety*)

FINAL PLAT APPLICATION REQUIREMENTS (RAVALLI COUNTY SUBDIVISION REGULATIONS)

The following items shall be included in the final plat application submission, as required by the Ravalli County Subdivision Regulations, Appendix C [Staff Note: items in ~~strikethrough~~ are not applicable to this subdivision]. If the applicant believes an item is not applicable, the applicant shall provide an explanation as to why the item is not applicable.

The required materials in the final plat application shall be ordered as follows:

1. The final plat application review fee.
2. A statement from the subdivision surveyor or engineer outlining how each final plat requirement or condition of approval has been satisfied.
3. 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 24.83.1107). (One paper copy may be submitted for the first proofing.) Final plats must be legibly drawn with permanent ink or printed or reproduced by a process guaranteeing a permanent record and must be 18 inches by 24 inches or 24 inches by 36 inches overall to include a 1 ½-inch margin on the binding side.
4. If more than one sheet must be used to adequately depict the land subdivided, each sheet must show the number of that sheet and the total number of sheets included. All certifications must be placed or referred to on one sheet.
5. A final plat containing on its face or on separate sheets referred to on the plat the requirements outlined in Appendix D. The surveyor may, at his or her discretion, provide additional information regarding the survey, and must show any additional information as required by the BCC.
6. The original copy of the preliminary plat decision.
7. ~~Any variance decisions.~~
8. Copies of extensions of the preliminary plat approval period.
9. Consent to Plat form, including notarized signatures of all owners of interest, if the developer is not the underlying title holder.
10. A Title Report dated no less than one (1) year prior to the date of final plat application submission.
11. The MDEQ Certificate of Subdivision Approval or RCEH approval.
12. ~~Copy of the General Discharge Permit for Stormwater Associated with Construction Activity from the MDEQ.~~

13. The original document of 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.
14. ~~Final roadway name approval from the County GIS Department for all newly constructed roadways.~~
15. ~~A copy of the Department of Revenue tax assessment or an appraisal report, per Section 13-6 or 13-7, 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 applicants dedication.~~
16. ~~Finalized roadway and driveway approach and encroachment permits from the MDT, as appropriate.~~
17. ~~Final engineering plans and specifications for all public water and sewer systems and any other improvements requiring engineering plans.~~
18. ~~Final roadway plans, including:~~
 - a. ~~Final Roadway plans approved by the RCRBD for all roadways to be constructed or reconstructed within or outside of the subdivision boundaries. Roadway plans shall be prepared by an engineer;~~
 - b. ~~For each type of roadway proposed, typical cross sections for the full easement width;~~
 - c. ~~Roadway grades;~~
 - d. ~~Roadway profiles for all proposed roadways which have grades exceeding 7% or cuts and fills exceeding three feet;~~
 - e. ~~Type and location of other infrastructure within the roadway easement, such as non-motorized walkways and curbs/gutters, if there are any;~~
 - f. ~~Other information as appropriate and as necessary for the RCRBD to conduct and complete its review; and~~
 - g. ~~Evidence that the roadway plans meet the roadway standards in these regulations.~~
19. ~~Grading, drainage and stormwater management plans, prepared by an engineer in accordance with MDEQ Circular 8 as amended and the ARM for all subdivisions in which a roadway is to be constructed or reconstructed, including subdivisions with lots greater than 20 acres in size, shall be provided. The grading and stormwater plans shall be approved by all applicable reviewing agencies.~~
20. ~~Roadway maintenance agreement(s) for all roadways and common driveways, which shall include the following requirements:~~
 - a. ~~A description of the parcels that are subject to the agreement;~~
 - b. ~~The section of the roadway or location of the common driveway that is subject to the agreement;~~
 - c. ~~The agreement is binding on any person having an interest in a parcel that is subject to the agreement;~~
 - d. ~~Any person providing public utilities may use the utility easements for such purposes;~~
 - e. ~~Decisions to undertake any roadway maintenance is the responsibility of the landowners and shall be based on a majority vote (over 50%) of the parties to the agreement;~~
 - f. ~~Who is eligible to cast a vote (one vote per parcel);~~
 - g. ~~How the maintenance costs will be assessed (equally or disproportionately) to the parties to the agreement;~~
 - h. ~~The amount that will be assessed in the event that a party subdivides a parcel that is subject to the agreement;~~
 - i. ~~In the event that an assessment becomes delinquent, the assessment and interest and the cost of collection shall become a continuing lien on the lot;~~
 - j. ~~The agreement is perpetual and cannot be rescinded unless the County or State agrees to maintain the roadway described in the agreement;~~

- ~~k. When a subdivision, or lots within a subdivision, is proposed for non-residential purposes, the provision for maintaining all associated parking lots shall be included in this document;~~
 - ~~l. Roadway/common driveway maintenance includes dust control, snow removal, maintenance of stormwater drainage facilities, ordinary maintenance and reconstruction if necessary. Roadway maintenance shall also include on-street parking enforcement provisions, in accordance with on-street parking provided for in the roadway design, because failure to enforce on-street parking may result in the inability of emergency services providers to provide service to lots along this roadway(s);~~
 - ~~m. The agreement may be amended, except that it may not be amended to be less strict or less inclusive; and~~
 - ~~n. Notary statement.~~
 - ~~o. Recording of Agreement. Roadway / maintenance agreement(s) shall be filed with the Clerk & Recorder as a single document (prior to or concurrent with the filing of the final plat) and shall not include other provisions not related to roadway maintenance (e.g. land use restrictions, etc.), unless there is a provision in the document stating that the roadway maintenance agreement section in the covenants cannot be amended to be less strict or less inclusive.~~
21. Utility availability certification(s).
 22. Completed, signed, and notarized Master Irrigation Plan, including to the following:
 - ~~a. The plan and all supporting documentation shall be prepared by a person with a working knowledge of irrigation water delivery systems;~~
 - ~~b. The plan shall be drawn at the same scale as required for the final plat;~~
 - ~~c. The plan shall be legible, showing all of the required information;~~
 - ~~d. Where multiple sheets are used, a cover sheet with index shall be included and each sheet shall show the number of that sheet and the total number of sheets included;~~
 - ~~e. The plan shall show the location of all existing and new diversion points, ditches, pipes, pumps, heads, and associated easements;~~
 - ~~f. The plan shall provide a watering schedule that shows when each of the users can use water from the system;~~
 - ~~g. The plan shall describe the means to share in the cost of operating and maintaining those elements of the delivery system hold in common;~~
 - ~~h. The plan shall describe the amount of water allocated to each of the lots, and~~
 - ~~i. Notary statement.~~
 23. Documentation from the appropriate irrigation company or district approving the relocation or alteration of irrigation infrastructure, and distribution of water right shares when the proposed subdivision 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.
 24. Notarized documentation indicating that the water rights will be severed from Lot 5-A within 90 days of filing the final plat. After the severance occurs, documentation of such shall also be submitted to Planning.
 25. Protective covenants to be filed with the final plat that are signed and notarized.
 26. Copies of permits issued by the Bitterroot Conservation District or the US Army Corps of Engineers.
 27. Signed and notarized homeowners' association documents, including the following requirements:

- a. ~~Articles of Incorporation, which shall be filed with the Secretary of State's office~~
- b. ~~Bylaws~~
- c. ~~Covenants, and/or declarations, and~~
- d. ~~The homeowners' association documents shall include the following information:~~
 - (1) ~~Mandatory membership for each landowner. Purchasers of property may also be required to sign a waiver of right to protest the formation of a maintenance district to maintain improvements;~~
 - (2) ~~A description of the common areas (land and facilities) that the landowners will own in common;~~
 - (3) ~~Perpetual reservation of the common areas when required under 76-3-621(6)(a), MCA;~~
 - (4) ~~Payment of liability insurance premiums, local taxes, and the cost of maintaining recreational or other facilities;~~
 - (5) ~~Placement of liens on the property of lot owners who are delinquent in the payment of association fees and assessments;~~
 - (6) ~~Process for adjusting assessments to meet changing needs;~~
 - (7) ~~Means of enforcing any covenants, and of receiving and processing complaints;~~
 - (8) ~~Transition of control of the association from the applicant to the homeowners as lots are sold;~~
 - (9) ~~Dissolution of the association or modification of the covenants and restrictions after obtaining BCC approval for the change; and~~
 - (10) ~~Regular maintenance of roadways, parks, buildings, open space, drainage facilities, common areas, and other facilities controlled by the association.~~
 - (11) ~~Notary statement.~~
 - (12) ~~Recording of Agreement. The homeowners' association documents shall be filed with the Clerk & Recorder as a single document.~~

28. ~~Evidence that defensible space building envelopes have been provided.~~

29. ~~High fire hazard area Management Plan, including the following:~~

- a. ~~A map showing the areas that are to be cleared of dead, dying, or severely distressed vegetation;~~
- b. ~~A map of the areas that are to be thinned or treated for vegetative fuels management (thinning, fuel breaks, etc.), including defensible space building envelopes, roadway and driveway vegetation clearing;~~
- c. ~~Defensible space building envelopes shall have a minimum defensible space as described in subpart (1), below:~~
 - (1) ~~From twenty (20) feet to one hundred (100) feet from a dwelling unit, thin trees to ten (10) feet between crowns, prune limbs of all remaining trees to fifteen (15) feet or one third the total live crown height (whichever is less); and remove all downed woody fuels.~~
- d. ~~Driveway vegetation clearing shall be completed and maintained as described in subpart (1), below:~~
 - (1) ~~All live surface vegetation within five (5) feet of each side of individual driveways at twelve (12) inches or less and remove all dead vegetation, logs, snags, etc. Driveways shall be situated on each lot such that all required fuel reduction activities will occur solely on the lot on which the driveway is located.~~

- ~~e. A narrative describing proposed vegetative management activities and timelines for when these activities are anticipated to be carried out and by whom;~~
- ~~f. Provisions for the ongoing maintenance of defensible space and vegetation clearance along roadways and driveways;~~
- ~~g. Provisions for the testing and maintenance of water delivery systems to ensure these systems are in operative conditions at all times and are repaired or replaced when defective;~~
- ~~h. How the costs of vegetation management and/or water delivery system testing and maintenance will be assessed (equally or disproportionately) to the parties to the agreement;~~
- ~~i. The amount that will be assessed in the event that a party subdivides a parcel that is subject to the agreement;~~
- ~~j. In the event that an assessment becomes delinquent, the assessment and interest and the cost of collection shall become a continuing lien on the lot; and~~
- ~~k. Notary statement.~~
- ~~l. Recording of Agreement. The high fire hazard area Management Plan shall be filed with the Clerk & Recorder as a single document and shall not include other provisions not related to high fire hazard area management.~~

30. Evidence that pro-rata share has been paid.

31. Evidence that improvements have been made in accordance with the conditions of approval and requirements of final plat approval and certified by the applicant, engineer, or contractor, as may be appropriate and required. An engineer's certification shall be required in any instance where engineered plans are required for the improvement. Alternatively, a subdivision improvement agreement and guaranty shall be required that complies with Appendix I.

FINAL PLAT REQUIREMENTS (RAVALLI COUNTY SUBDIVISION REGULATIONS)

The final plat shall be submitted, with the following features shown on its face, as required by the Ravalli County Subdivision Regulations, Appendix D [Staff Note: items in ~~strikethrough~~ are not applicable to this subdivision]. If the applicant believes an item is not applicable, the applicant shall provide an explanation as to why the item is not applicable.

1. A title, or title block, indicating the quarter-section, section, township, range, principal meridian, county and, if applicable city or town, in which the subdivision is located. The title of the plat must contain the words "plat" and either "subdivision" or "addition".
2. The name of the person(s) who commissioned the survey and the name(s) of the landowner(s) of the subdivision if other than the person(s) commissioning the survey, the names of any adjoining platted subdivisions, and the numbers of any adjoining certificates of survey previously filed.
3. The dated, signed, and notarized consent to the subdivision of the landowner(s) of the subdivision.
4. The dated signature and the seal of the surveyor responsible for the survey. The affixing of this seal constitutes a certification by the surveyor that the final plat has been prepared in conformance with the MSPA and these regulations.
5. A memorandum of any oaths administered under 76-3-405, MCA.
6. Certification by the BCC that the final plat is approved.
7. Space for the Clerk & Recorder's filing information in the lower right hand corner.
- ~~8. Certificate of public dedication, if any.~~
- ~~9. Certificate of cash-in-lieu of park dedication payment.~~
10. Other certifications, as appropriate.

11. North arrow.
12. Scale bar (the scale must be sufficient to legibly represent the required information and data on the plat).
13. A narrative legal description of the subdivision, as follows:
 - a. If the parcel being subdivided is either an aliquot part of a U.S. government section or a U.S. government lot, the information required by this subsection is the aliquot or government lot description of the parcel,
 - b. If the plat depicts the division of a parcel or lot that is shown on a filed certificate of survey or amended plat, the information required by this subsection is the number or name of the certificate of survey or amended plat and the number of the parcel or lot affected by the survey,
 - c. If the parcel surveyed does not fall within (a) or (b), above, the information required by this subsection is the metes-and-bounds description of the perimeter boundary of the subdivision,
 - d. If the plat establishes the boundaries of a subdivision containing one or more interior parcels, the information required by this subsection is the legal description of the perimeter boundary of the subdivision.
14. The bearings, distances, and curve data of all boundary lines. If the subdivision is bounded by an irregular shoreline or body of water that is a riparian boundary, the bearings and distances of a meander traverse generally paralleling the riparian boundary must be given.
15. The location of, and other information relating to all monuments found, set, reset, replaced, or removed.
16. If additional monuments are to be set after the plat is filed, the location of these monuments must be shown by a distinct symbol, and the plat must bear a certification by the surveyor as to the reason the monuments have not been set and the date by which they will be set.
17. All monuments found during a retracement that influenced the position of any corner or boundary indicated on the plat must be clearly shown.
18. The location of any section corners or corners of divisions of sections pertinent to the survey.
19. Witness and reference monuments and basis of bearings.
20. Data on all curves sufficient to enable the re-establishment of the curves on the ground. For circular curves these data must at least include radius and arc length. For non-tangent curves, which must be so labeled, the plat must include the bearings of radial lines or chord length and bearing.
21. Lengths of all lines shown to at least tenths of a foot, and all angles and bearings shown to at least the nearest minute. Distance measurements must be stated in English units, but their metric equivalents, shown to the nearest hundredth of a meter, may be noted parenthetically.
22. The location of any section corners or corners of divisions of sections the surveyor deems to be pertinent to the subdivision.
23. The total acreage of the subdivision.
24. All lots and blocks in the subdivision, designated by letter and/or number, the dimensions of each lot and block, the area of each lot, and the total acreage of all lots (Excepted parcels must be marked "Not included in this subdivision" or "Not included in this plat," as appropriate, and the bearings and lengths of these excepted boundaries must be shown).
25. Easements/rights of ways (location, width, purpose, ownership), including any conditional public access easement(s).
26. ~~The location, dimensions, and areas of all parks, common areas, and other grounds dedicated for public use.~~
27. No-build/alteration zones and no-build zones.

28. No-ingress/egress zones.
29. Water resources (rivers, ponds, etc.).
30. Floodplains.
31. Irrigation canals, including diversion point(s), etc.
32. ~~High-pressure gas lines.~~
33. The names and locations of all roadways; their widths (if ascertainable) from public records, bearings and area; and the width and purpose of all roadway easements that will be created by the filing of the plat.
34. The following certifications must appear on the face of or accompany the approved final plat when it is presented to the Clerk & Recorder for filing:
 - a. ~~If applicable, the landowner's certificate of dedication of roadways, parks, playground easements or other public improvements,~~
 - b. ~~If applicable, a certificate of the BCC expressly accepting any dedicated land, easements or improvements. An acceptance of a dedication is ineffective without this certification,~~
 - c. A certificate of a title abstractor showing the names of the landowner(s) of the subdivision and the names of any lien holders or claimants of record against the land,
 - d. The written consent of the subdivision landowner(s), if different than the applicant, and any lien holders or claimants of record against the land,
 - e. ~~References to any covenants or deed restrictions relating to the subdivision,~~
 - f. If applicable, a certificate from MDEQ or RCEH stating that it has approved the plans and specifications for water supply and sanitary facilities,
 - g. ~~A certificate from the applicant indicating which required improvements have been installed and a copy of any subdivision improvement agreement securing the future construction of any additional improvement(s) to be installed,~~
 - h. ~~Unless otherwise provided by these regulations, copies of final plans, profiles, grades and specifications for improvements, including a complete grading and drainage plan, with the certification of an engineer that all required improvements which have been installed are in conformance with the attached plans,~~
 - i. ~~If requested, the certificate of a surveyor appointed by the BCC to review surveys and plats submitted for filing [76-3-611, MCA],~~
 - j. ~~If a roadway created by the final plat will intersect with a State highway, a copy of the State highway access or encroachment permit, and~~
 - k. The certification of the County Treasurer that all real property taxes and special assessments levied on the land to be subdivided have been paid.
35. The overhead utility lines shown on the preliminary plat, oriented north-south on the far-eastern portion of the property, shall be labeled "overhead utility easement" on the final plat.
36. The Painted Rocks and Como Dam Inundation Area boundaries shall be shown on the final plat.

SUBDIVISION REPORT

COMPLIANCE WITH PREREQUISITES TO APPROVAL

Section 4-10(A) of the RCSR states that the BCC shall not approve or conditionally approve a preliminary plat application and preliminary plat, unless it is established by credible evidence that the proposed subdivision:

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

Finding of Fact

Existing utility easements are located along the south boundary of proposed Lot 5-A, and utilities exist in the Bell Crossing right-of-way along the south boundary of Lot 5-B. There are no new proposed utilities. The buildings are existing. (AP Lot 5, Big Creek Meadows Subdivision Application and Preliminary Plat)

Conclusions of Law

1. Existing and proposed utility easements are required to be shown on the final plat. (Final Plat Requirement 25)
2. The proposed subdivision provides for public utility easements. (Staff Determination)

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

Findings of Fact

1. The subject property gains legal and physical access from Bell Crossing West and U.S. Highway 93 North. (AP Lot 5, Big Creek Meadows Preliminary Plat, Ravalli County GIS)
2. The applicant has submitted evidence of a non-exclusive easement for access purposes for the benefit of proposed Lot 5-A. According to the easement document, access to this lot is gained via adjacent Parcel # 963310 to the north. (Subdivision Application)
3. There are no physical obstructions preventing access to the site from Bell Crossing W. or U.S. Highway 93. (Staff Site Visit 9/6/12)

Conclusions of Law

1. Legal access will be provided to proposed Lot 5-B within the subdivision via Bell Crossing W., a State-maintained roadway that abuts the subject property to the south; and to Lot 5-A via U.S. Highway 93, a State Highway that abuts the subject property to the west, by means of an access easement across Parcel #963310 to the north. (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 improvements will be installed before final plat approval, or that their installation after final plat approval will be guaranteed as provided by Appendix I of these regulations.

Finding of Fact

All improvements, including structures, driveways, and utilities, are existing, and no additional improvements are proposed for the subdivision (Subdivision Application, Preliminary Plat, and Ravalli County GIS).

Conclusion of Law

Since the necessary improvements are already existing and installed, no further improvements are required to be installed for this subdivision. (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 12 have been considered and will be accomplished before the final plat application is submitted.

Findings of Fact

1. 76-3-504(1)(j), MCA states that when a subdivision creates parcels with lot sizes averaging less than 5 acres, the subdivider is required to:

- (a) Reserve all or a portion of the appropriation water rights owned by the owner of the land to be subdivided and transfer the water rights to a single entity for use by landowners within the subdivision who have a legal right to the water and reserve and sever any remaining surface water rights from the land;
 - (b) If the land to be subdivided is subject to a contract or interest in a public or private entity formed to provide the use of a water right on the subdivision lots, establish a landowner's water use agreement administered through a single entity that specifies administration and the rights and responsibilities of landowners within the subdivision who have a legal right and access to the water; or
 - (c) Reserve and sever all surface water rights from the land.
2. The property has the following water rights: 76H 150884-00, priority date June 1, 1882, allowing 168.36 GPM for 15 acres drawn from Big Creek; and 76H 150883-00, priority date December 21, 1955, allowing 359.04 GPM for 31.62 acres drawn from an unnamed tributary of the Bitterroot River. (Subdivision Application)
 3. The water rights are currently used for irrigation. (Subdivision Application)
 4. The subdivider is proposing to sever water rights from Lot 5-A, to be allocated exclusively to Lot 5-B. (Subdivision Application)
 5. The average lot size of this subdivision is 5.18 acres. (Staff Calculation)

Conclusions of Law

1. Since the proposed lots average greater than five (5) acres in size, 76-3-504(1)(j), MCA does not apply to this subdivision. (Staff Determination)
2. Since the applicant has submitted documentation of existing water rights, and that indicating that the property's surface water rights will be allocated exclusively to Lot 5-B, the proposal meets the requirements of RCSR Appendix A, Requirement 26. (Staff Determination)

E. Assures that the requirements of 76-3-504(1)(k) MCA, regarding watercourse and irrigation easements as set forth in Chapter 12 have been considered and will be accomplished before the final plat application is submitted.

Findings of Fact

1. The property currently has one existing irrigation ditch traversing the property. The ditch enters the subdivision from the southwest corner of proposed Lot 5-B, extending eastward along the lot's south boundary for approximately 300 feet, and then pivots to the northeast, following the toe of a shelf feature, and exiting the subdivision at the northern boundary of Lot 5-A's flagpole. (Preliminary Plat)
2. The existing irrigation ditch crossing Lots 5-A and 5-B is proposed to be contained within a 10' easement. (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. The final plat shall show a 10-foot-wide irrigation easement, centered on the irrigation ditch on Lots 5-A and 5-B. (*Condition 8*)
3. Based on the proposed and required easement, the subdivision proposal will conform with the provisions of 76-3-504(1)(k), MCA. (Staff Determination)

COMPLIANCE WITH APPLICABLE REGULATIONS

Section 4-10(B) of the RCSR states that in approving, conditionally approving, or denying a preliminary plat application and preliminary plat, the BCC shall ensure the preliminary plat application complies with:

A. These regulations, including, but not limited to, the standards set forth in Chapter 12.

Findings of Fact

1. The lot layout, as indicated on the preliminary plat, meets the lot design standards in Chapter 12 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 4 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 4 of the RCSR, have been followed. (Staff Determination)

B. Any 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)

Conclusion 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's representative was made aware of the applicable regulations at the pre-application conference held on June 5, 2012. (Subdivision File)
 3. Prior to final plat approval, the subdivider is required to submit applicable permits and evidence that they have met applicable regulations. (RCSR Appendices C and D)

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. (RCSR Appendices C and D)
2. With the conditions of approval, requirements of final plat approval, and requirements of final plat application 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 ADJACENT AGRICULTURAL OPERATIONS

Findings of Fact:

1. The subject property is classified for tax purposes as Residential Rural. (Montana Cadastral Database created by Montana Department of Administration, Information Technology Services Division, Geographic Information Services)
2. The subject property is adjacent to one property to the west, Parcel #940600, classified as Agricultural Rural. (Montana Cadastral Database created by Montana Department of Administration, Information Technology Services Division, Geographic Information Services)
3. To mitigate the impacts on adjacent agricultural operations, a "Notification of Proximity to Agricultural Operations" will be filed along with the subdivision. (*Condition 1*)
4. Grazing activities of less than 5 acres currently exist on the subject property. (Subdivision File)
5. This subdivision will separate existing residential and commercial uses onto individual lots, and no new structures or uses are proposed as part of this application. (Subdivision File)
6. 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 File)

Conclusions of Law:

1. A subdivision proposal must be reviewed for its impacts on agriculture. (MCA 76-3-608(3), RCSR Section 4-7(B)(5)(a))
2. Allowing a subdivision with 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. Since no new structures or uses are proposed as part of this subdivision, neither adjacent agricultural activities, nor those on the subject property, will be adversely impacted by the proposal. (Staff Determination)

Overall Adjacent Agricultural Operations Conclusion

4. With the mitigating conditions of approval, requirements of final plat approval, requirements of final plat application approval, and no new structures or uses proposed, potentially significant adverse impacts of the subdivision on adjacent agricultural operations will be sufficiently mitigated. (Staff Determination).

CRITERION 2: EFFECTS ON AGRICULTURAL WATER USER FACILITIES

Findings of Fact

1. The application states that there are decreed water rights associated with this property, and the subdivider is proposing to delegate all rights to Lot 5-B. The surface water rights, (1) 76H 150884-00, claims 168.36 GPM for 15 acres; and (2) 76H 150883-00, claims 359.04 GPM for 31.62 acres. (Subdivision Application – Questionnaire; Summary of Probable Impacts)
2. There is one existing irrigation ditch crossing the subject property, in the western portions of Lot 5-B and Lot 5-A's flagpole, that will provide Lot 5-B with access to irrigation. A ten-foot irrigation easement is proposed for the ditch, which enters the subdivision at the southwest corner of Lot 5-B and exits at the north boundary of Lot 5-A's flagpole. (Preliminary Plat and 9/6/12 Site Visit)
3. The subdivider is proposing to sever all water rights from the proposed Lot 5-A, while Lot 5-B will maintain all rights currently held by the property in its existing configuration. (Subdivision File)
4. To notify future property owners and mitigate potential impacts on agricultural water user facilities, a notification of the irrigation ditch and easement shall be filed with the final plat. (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 4-7(B)(5)(b))
2. With Condition 1 of this report and requirements of final plat approval, the proposed subdivision will comply 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, requirements of final plat approval, and requirements of final plat application approval, potentially significant adverse impacts of the subdivision on agricultural water user facilities will be sufficiently mitigated. (Staff Determination)

CRITERION 3: EFFECTS ON LOCAL SERVICES

Findings of Fact:

Fire District

1. The subdivision is located within the Victor Rural Fire District. (Subdivision Application – ~~add #~~ Subdivision Questionnaire; Ravalli County GIS Data)
2. The Victor Rural Fire District has a station (Victor Station #1) approximately 1 ½ miles to the southwest of 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-4)
4. Existing accesses off of Bell Crossing W. and U.S. Hwy. 93 via easement will provide emergency access to the two proposed lots. (Subdivision Preliminary Plat)
5. The Ravalli County Planning Department sent notification letters to the Victor Rural Fire District requesting comments on the proposal on July 10th, 2012 and August 29th, 2012; however, no agency comments have been received to date. (Subdivision File)

School District

6. With this subdivision, it is estimated that zero (0) school-aged children will be added to the Victor School District, since the proposed Lot 5-A is an existing commercial use, Lot 5-B is an existing residential use, and the subdivision will add no new structures. (Subdivision Application)

7. The Ravalli County Planning Department sent notification letters to the Victor School District requesting comments on the proposal on July 10th, 2012 and August 29th, 2012; however, no comments have been received from the District to date. (Subdivision File)
8. The subdivider states that there will be no anticipated increase in the burden to public schools as a result of this subdivision; no new uses or structures are proposed and no additional children are estimated to be added due to existing commercial and residential lot development. (Subdivision Application – Summary of Probable Impacts & Subdivision Questionnaire)

Public Safety Services

9. The Ravalli County Sheriff's Office provides law enforcement services to this area. (Subdivision Application – Subdivision Questionnaire)
10. Notification letters were sent to the Ravalli County Sheriff's Office requesting comments on July 10th, 2012 and August 29th, 2012; however, no comments have been received to date. (Subdivision File)
11. The average number of people per household in Ravalli County is 2.7. This subdivision proposal is to separate existing residential and commercial uses onto individual lots, and the number of employees, patrons, and residents that will be present at any given time are not expected to change. (Census 2010 and Staff Determination)
12. The subdivider proposes to offer a voluntary contribution in the amount of \$250 to mitigate impacts the subdivision may have on public safety services. (Subdivision Application – Subdivision Questionnaire)

Emergency Services

13. Ambulance services will be provided by Marcus Daly Memorial Hospital EMS Department. Marcus Daly Hospital was contacted on July 10th, 2012 and August 29th, 2012; however, no comments have been received to date. (Subdivision File)

Roads

14. The subdivision proposes to split existing residential and commercial uses onto individual lots, and will continue to be fully occupied after the split. It is estimated that this subdivision will continue to generate a total of 20 vehicular trips per day, based on assumptions that current residential and commercial uses will continue to operate on the property, and estimates taken from Trip Generation, 7th Edition. (Subdivision Application-Summary of Probable Impacts)
15. The property is accessed via Bell Crossing W. and U.S. Highway 93 N., both State-maintained highways. (Subdivision Application)
16. Each lot will each have individual access. No new approaches are proposed, and no additional uses are proposed. (Subdivision Application and Preliminary Plat)

Water and Wastewater Districts

17. The existing residential and commercial buildings are already connected to individual wells and septic systems. (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 July 10th, 2012 and August 29th, 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-5).
21. This subdivision is proposing two (2) lots. (Preliminary Plat)

Utilities

22. Existing utility easements are located along Bell Crossing W. and U.S. Hwy. 93 N., along the west and south boundaries of the subdivision, in addition to a north-south overhead utility line crossing the eastern portion of Lot 5-B. (Subdivision Preliminary Plat and 9/6/12 Site Visit)
23. The proposed subdivision will continue to be served by NorthWestern Energy and CenturyLink Communications. (Subdivision Application – Subdivision Questionnaire)
24. Notification letters were sent to NorthWestern Energy and CenturyLink Communications requesting comments on July 10th, 2012 and August 29th, 2012. Neither agency has offered comments to date. (Subdivision File)

Conclusions of Law

1. A subdivision proposal must be reviewed for its impacts on local services. (MCA 76-3-608(3), RCSR Section 4-7(B)(5)(c))

Fire District

2. Each lot shall be located within an existing fire district. Alternatively, the applicant may provide evidence that a reasonable equivalent exists. (RCSR Section 12-9(F)(2))
3. Because the subject property is located within the Victor Rural Fire District, the proposal complies with RCSR Section 12-9(F)(2). (Staff Determination)

School District

4. No additional students will be added to the school district, as the subdivision application proposes no additional structures or uses. (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 Victor School District has completed an Impact Fee Study, but the Board of County Commissioners has not adopted impact fees. (Staff Determination)
7. A monetary contribution to the School District may be addressed by the BCC at the public meeting for this subdivision, if the BCC determines that impacts on the District are likely. (Staff Determination)

Roads

8. Based on the lot configuration and existing approaches, all lots will have legal and physical access. (Staff Determination)

Water and Wastewater Districts

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

Solid Waste Services

10. Bitterroot Disposal will continue to provide solid waste disposal services to the property after the subdivision. Bitterroot Disposal was notified, and no comments were received. (Subdivision File)

Mail Delivery Services

11. Authority to approve mailboxes rests with the U.S. Postal Service, and through its local post offices. The applicant shall be required to install mail service facilities in accordance with local and federal Postal Service policy. (RCSR Section 12-9(E))

Utilities

12. Existing and proposed utility easements shall be shown on the final plat. (Final Plat Requirements 25 and 35)
13. The subdivider shall submit utility availability certifications, prior to final plat approval. (Final Plat Application Requirement 21)

Overall Local Services Conclusion

14. Based on the findings of fact, conclusions of law, and subject to the conditions, requirements of final plat approval, and requirements of final plat application approval, potentially significant adverse impacts of the subdivision on local services will be sufficiently mitigated. (Staff Determination) ✓ motion

CRITERION 4: EFFECTS ON NATURAL ENVIRONMENT

Findings of Fact:

Surface Water Features

1. Unnamed tributaries of the Bitterroot River traverse the central and eastern portions of proposed Lots 5-A and 5-B. (Preliminary Plat, Site Visit 9/6/12)
2. An irrigation ditch crosses the western portion of Lot 5-B and the flagpole portion of Lot 5-A, which provides water distribution to users downstream of the proposed subdivision property. (Subdivision Application, Preliminary Plat, Site Visit)

Floodplain

3. The property is located approximately 470 feet northwest of the Bitterroot River, which drains an area greater than 15 square miles. (Ravalli County GIS)
4. Both the current FEMA-mapped floodway and 500-year floodplain encompass the central and eastern portions of the property. (Ravalli County GIS)
5. The proposed FEMA-mapped floodway and 100-year floodplain will also encompass the central and eastern portions of the property. (Ravalli County GIS)

Wetlands

6. Wetlands appear to be located in the central portion of the property, extending from the south to north boundaries. (Ravalli County GIS, Site Visit, Preliminary Plat, Subdivision Application)

Ground Water Quality

7. The subdivider is proposing continued use of the individual wells and septic systems. (Subdivision Application)
8. 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 File – RCEH review checklist)

Air Quality

9. This proposed subdivision would separate existing residential and commercial uses onto individual lots, in an area of existing commercial, residential, recreational, and agricultural uses to the northeast of the community of Victor. (Subdivision Preliminary Plat and Ravalli County GIS)
10. The Montana Department of Environmental Quality (DEQ) has reviewed the PM2.5 (particulate matter \leq 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.

11. Sources of particulate from this subdivision could include vehicles, wood-burning stoves, and open burning. (Staff Determination)

Light Pollution

12. The existing residential and commercial buildings are located in an area that currently has low-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

13. 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)
14. According to the Montana Natural Heritage Program (MHNP), one plant species of concern, Floriferous Monkeyflower, was identified within the same section as the proposed subdivision. (MHNP letter dated May 23, 2012)
15. Several areas of potential wetland and riparian vegetation have been identified on the property. The wetland vegetation traverses the center of the property in a north-south fashion, and the riparian vegetation is located along the unnamed tributaries on the property's central and eastern portions. (Site Visit 9/6/12)
16. Additional vegetation on the property consists primarily of open pasture and a mix of wooded habitat species. (Site Visit)

Historical/Archeological Sites

17. A letter dated May 22, 2012 from Damon Murdo of the State Historic Preservation Office (SHPO) states that there are a few previously recorded sites of historical significance, in addition to one previously conducted cultural resource inventory, within the search locale. The letter goes on to state that "As long as there will be no disturbance or alteration to structures over fifty years of age, we feel that there is a low likelihood cultural properties will be impacted. We, therefore, feel that a recommendation for a cultural resource inventory is unwarranted at this time." Identified historic sites include a Forest Service-owned railroad, and two irrigation systems from the early 1900's. (Subdivision Application, Exhibit A-6)

Conclusions of Law:

1. A subdivision proposal must be reviewed for its impacts on the natural environment. (MCA 76-3-608(3), RCSR Section 4-7(B)(5)(d))

Surface Water Features

2. An easement surrounding irrigation facilities will protect water users and irrigation ditches. (Staff Determination)
3. The unnamed tributaries of the Bitterroot River, along the central and eastern portions of Lots 5-A and 5-B, will be protected by the placement of a no-build/alteration zone, in conjunction with the floodplain/floodway boundaries and wetland areas, on the final plat. (Condition 11)

Floodplain

4. The proposed FEMA-mapped floodway and 100-year floodplain, located in the central and eastern portions of Lots 5-A and 5-B, will be protected by the placement of a no-build/alteration zone, in conjunction with the Bitterroot River tributaries and wetlands, on the final plat. (Condition 11)

Wetlands

5. The wetland areas identified on the preliminary plat, located in the central and eastern portions of Lots 5-A and 5-B, will be protected by the placement of a no-build/alteration zone, in

conjunction with the Bitterroot River tributaries and floodplain/floodway boundaries, on the final plat. (Condition 11)

Ground Water Quality

6. The initial RCEH submission indicates that the site should be suitable for continued use of the existing individual wells and septic systems. This will be verified with the submission of the final RCEH approval of the subdivision. (Staff Determination and Final Plat Application Requirement 11)

Vegetation

7. The proposed no-build/alteration zone will protect the existing valuable riparian and wetland vegetation from any future disturbance. In order to mitigate impacts on these vegetative features, notification of the no-build/alteration zone shall be included in the notifications document, and the no-build/alteration zone shall be depicted on the final plat. (Staff Determination)

Overall Natural Environment Conclusion

8. Based on the findings of fact and conclusions of law, and subject to the conditions, requirements of final plat approval, and requirements of final plat application approval, potentially significant adverse impacts of the subdivision on the natural environment will be sufficiently mitigated. (Staff Determination)

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CRITERION 5: EFFECTS ON WILDLIFE

Findings of Fact:

1. Notification letters were sent to Montana Fish, Wildlife, & Parks (FWP) requesting comments on July 10th, 2012 and August 29th, 2012. No correspondence has been received to date. (Subdivision File)
2. At the time of preliminary plat submission and according to MNHP, Western Toad, Great Blue Heron, Bald Eagle, Lewis' Woodpecker, Clark's Nutcracker, Brown Creeper, Veery, Bobolink, Cassin's Finch, Westslope 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 section as the proposed subdivision. (Subdivision Application – MNHP Report)
3. Planning staff has identified another potential species of concern in the subdivision's general area, the Barn Owl. (Ravalli County GIS)
4. Those portions of Lots 5-A and 5-B identified as wetlands and natural drainages/watercourses on the preliminary plat are recommended to be included in a no-build/alteration zone, providing additional protection of habitat to support continued existence of wildlife species on the property. (Staff Determination)

Conclusions of Law:

1. A subdivision proposal must be reviewed for its impacts on wildlife. (MCA 76-3-608(3), RCSR Section 4-7(B)(5)(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)
3. The identified species potentially existing on the property will be further protected through the establishment of a "no-build/alteration zone" to be depicted on the final plat. (Staff Determination)

Overall Wildlife Conclusion

4. Based on the findings within the recommended mitigating conditions of approval and final plat

requirements, potentially significant adverse impacts of the subdivision on wildlife will be sufficiently mitigated. (Staff Determination)

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CRITERION 6: EFFECTS ON WILDLIFE HABITAT

Findings of Fact:

1. Notification letters were sent to Montana Fish, Wildlife, & Parks (FWP) requesting comments on July 10th, 2012 and August 29th, 2012. No correspondence has been received to date. (Subdivision File)
2. At the time of preliminary plat submission and according to MNHP, Western Toad, Great Blue Heron, Bald Eagle, Lewis' Woodpecker, Clark's Nutcracker, Brown Creeper, Veery, Bobolink, Cassin's Finch, Westslope 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 section as the proposed subdivision. (Subdivision Application – MNHP Report)
3. Those portions of Lots 5-A and 5-B identified as wetlands and natural drainages/watercourses on the preliminary plat are recommended to be included in a no-build/alteration zone, providing additional protection of habitat to support continued existence of wildlife species on the property. (Staff Determination)

Conclusion of Law:

1. A subdivision proposal must be reviewed for its impacts on wildlife habitat. (MCA 76-3-608(3), RCSR Section 4-7(B)(5)(f))

Overall Wildlife Habitat Conclusion

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

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CRITERION 7: EFFECTS ON PUBLIC HEALTH & SAFETY

Findings of Fact:

Traffic Safety

1. The proposed Lot 5-A will be accessed from U.S. Highway 93 N., via easement across Parcel #963310 to the north, and Lot 5-B will be accessed from Bell Crossing W. (Subdivision Preliminary Plat and Ravalli County GIS)

Emergency Vehicle Access and Response Time

2. 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)
3. 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 July 10th, 2012 and August 29th, 2012; however, no comments have been received to date. (Subdivision File)

Water and Wastewater

4. The subdivider is proposing to continue use of the existing individual wells and septic systems. 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

5. 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 4-7(B)(5)(g))

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 residential and commercial activities. (Staff Determination)

Emergency Vehicle Access and 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 submission, 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 an MDEQ Certificate of Subdivision Approval, prior to final plat approval. (Final Plat Application Requirement 11)

Natural and Man-made Hazards

6. Radon exposure risks can be minimized through the mitigating conditions of approval. (Staff Determination)

Overall Public Health and Safety Conclusion

7. Based on the findings of fact and conclusions of law, and subject to the conditions of approval, requirements of final plat approval, and requirements of final plat application approval, potentially significant adverse impacts of the subdivision on public health and safety will be sufficiently mitigated. (Staff Determination)

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