

COMMISSIONERS APPROVAL

FOSS SF

CHILCOTT G

IMAN JR

STOLTZ

BURROWS JB

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

Date.....September 19, 2012

► Minutes: Glenda Wiles

► The Board met at 8:30 a.m. for a Sawtooth Fire update with Fire Personnel.

► The Board met at 9:00 a.m. for a public hearing on a Request for Action on AP Lot 5, Big Creek Meadows Subdivision by Mack Capers. This public hearing was broadcast live on WEB Ex. Planner Kevin Waller and Planning Administrator Terry Nelson were present for this hearing as well as Engineer John Horat who represented the Developer. Citizen Chris Hockman joined the hearing via WEB Ex.

Kevin presented a power point presentation on the Request for Commission Action (see attached).

Commissioner Iman addressed the one acre lot and access as well as the water course and water rights to Coleman Ranch which will need an easement if these changes occur. John stated they will place blanket easements for anything that is already there.

Commissioner Chilcott asked for lot delineation in regard to paving.

John Horat stated he has enjoyed working with planning staff on this project. Generally they agree with the conditions but John addressed the need to have the shed area for the livestock on Lot 5-B which is mapped outside the current flood plain. This could be re-addressed when the new floodplain maps surface. The warehouse on proposed lot (Lot 5-A) has been there since 1996, so he addressed the need for the developer to pay the \$900 to the fire department.

Commissioner Iman addressed the no-alteration (natural state forever) and the possibility of farming at a later time. He also shared concern over the 'flag lot', but understands the owners desire to separate the lot. John stated the separation comes because of the DEQ requirements.

Terry stated the purpose of this subdivision is to split the two buildings at the top portion of the parcel. This allows the owner to address the flood plain and wetland delineation at a later time if

and when he would like any agriculture or building development. This proposal places a no-build alteration zone on Lot 5-B parcel.

Discussion included an easement of the small 11' strip by 1,000' at the top of Lot 5-B. Terry stated the developer has agreed to an exclusive easement from Lot 5-A to Lot 5-B. The Board concurred to that exclusive easement change. Commissioner Iman addressed changing the exclusive agreement to the west side of Lot 5-B. John stated they prefer this proposal.

The Board addressed the Compliance with prerequisites to approval on Page 14:

A. Provides easements for Location and installation of any planned utilities. Commissioner Chilcott noted he concurs with the finding of fact and conclusions of law as presented by staff. The Board concurred as well.

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. Commissioner Chilcott noted he concurs with the findings of fact and conclusions of law 1 & 2 as presented by staff. The Board concurred as well.

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. Commissioner Chilcott noted he concurs with findings of fact and conclusion of law. The Board concurred as well.

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. Commissioner Iman concurs with findings of fact and conclusion of law and for the record transfer of water rights Lot 5-A to 5-B.. Commissioner Chilcott noted it is not for commercial use. The Board concurred as well.

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. Commissioner Iman concurred with the findings of fact and conclusion of law. The Board concurred as well.

Compliance with Applicable Regulations on Page 17:

A. These regulations, including, but not limited to, the standards set forth in Chapter 12. Commissioner Stoltz noted he concurs with the findings of fact and conclusion of law. The Board concurred as well.

B. Any applicable zoning regulations. Commissioner Chilcott noted he concurs with the findings of fact and conclusion of law. The Board concurred as well.

C. Existing covenants and/or deed restrictions. Commissioner Iman asked if the developer wants to make this a permanent easement along the north side of Lot 5-B? John stated it will be an exclusive easement on the final plat. Terry stated it will be an easement not a deed restriction. The easement can be changed by both parties at a later date between Lot 5-B and 5-A. A document will be filed for this exclusive easement. Terry further noted this easement has force just like a deed restriction does. If the county wants enforcement they would need a different mechanism. Commissioner Iman stated with that clarification he concurs with findings of fact and conclusion of law. The Board concurred as well.

D. Other applicable regulations. Commissioner Chilcott noted he concurs with the findings of fact and conclusions of law. The Board concurred as well.

Commissioner Iman made a motion to approve the prerequisites A-D. Commissioner Stoltz seconded the motion and all voted "aye". (5-0)

E. The MDPA, including but not limited to an evaluation of the impacts of the subdivision on the following criteria: Criterion #1 (page 18):

Criterion #1 Effects on Adjacent Agricultural Operations: **Commissioner Chilcott made a motion to accept this criterion noting with findings of fact and conclusions of law it is sufficiently mitigated. Commissioner Stoltz seconded the motion and all voted "aye". (5-0)**

Criterion #2: Effects on Agricultural Water User Facilities: **Commissioner Iman made a motion to accept this criterion with findings of fact and conclusions of law and with the fact that water courses to other properties will have easements. Commissioner Burrows seconded the motion.** Discussion: Commissioner Chilcott stated it is important to note that the Board identified and make the easements part of the final plat requirements. **Commissioner Iman then amended his motion to state that the effects of Criterion #2 are sufficiently mitigated under conclusions of law allowing for easements and maintenance for downstream users. Commissioner Burrows seconded the motion and all voted "aye" (5-0)**

Criterion #3: Effects on Local Services:

1- 5) Fire District: Commissioner Chilcott asked about the amount of money being offered to the Fire District. John stated the Fire District wants \$900, but with the existing structure the Commissioners has some discretion. Terry stated a general letter from All Valley Fire Council addresses the dollar or additional water supply on site. Commissioner Stoltz noted this structure is already there and it does not increase any services. John stated the building is rented out for commercial use and has been since 1996. Commissioner Stoltz noted the additional finding of facts present that the commercial building and house has been in existence since 1996 and they have been paying their taxes to Victor Fire so he does not feel additional mitigation is required. NOTE: This will change the numbering, changing School District to #7 instead of #6.

7-12) School District: Due to Lot A having been taxed for 15 years and contributions to School District, the Board determined no effects to mitigate.

9-12) Public Safety: The Board agreed to accept the \$250 contribution.

Public Comment under WEB Ex Chat: Chris Hockman questions if the flag strip results in the existing structure on the large lot to be closer than permissible to the new property line? Terry responded that it will contain an Exclusive easement to Lot 5-B from Lot 5A, thus no setbacks are required.

13) Emergency Services: Commissioner Chilcott noted he accepts the findings of fact as presented with no comments. The Board concurred as well. Commissioner Chilcott also stated that Marcus Daly is private non-governmental entity. (Change findings to include that).

14-16) Roads: Commissioner Iman stated he concurs with findings of fact. The Board concurred as well.

17) Water and Wastewater: Commissioner Chilcott stated he concurs with findings of fact. The Board concurs as well.

18-19) Solid Waste: Commissioner Chilcott stated he concurs with findings of fact. The Board concurs as well.

20-21) Postal Service: Commissioner Chilcott stated he concurs with findings of fact. The Board concurs as well.

22) Utilities: Commissioner Chilcott stated he concurs with findings of fact. The Board concurs as well.

Conclusions of Law: It was noted that under all conclusions of law under Criterion #3 - Effects on Local Services the Board concurs with Fire District; School District; Roads; Water and Wastewater; Solid Waste; Mail Delivery Services; & Utilities. **Commissioner Chilcott made a motion that 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. Commissioner Burrows seconded the motion and all voted "aye".**
(5-0)

Criterion#4: Effects on Natural Environment:

1-6) Findings of fact for Surface Water Features; Floodplain & Wetlands: Commissioner Iman stated he concurs with findings of fact 1-6. The Board concurs as well.

7-8) Finding of fact for Ground Water Quality: Commissioner Iman stated he concurs with findings of fact 7-8. The Board concurs as well.

9-11) Findings of fact for Air Quality: Commissioner Iman stated he concurs with the findings. The Board concurs as well.

12) Findings of fact Light Pollution: Commissioner Stoltz stated he concurs with the findings. Commissioner Chilcott asked if the Developer would be amenable to full cut off lighting on the highway frontage. John stated for future lighting there should be issues with this compliance. The Board concurs as well.

13-16) Findings of fact Vegetation: Commissioner Chilcott stated he concurs with the findings of fact. The Board concurred as well.

17) Historical/Archeological Sites: Commissioner Chilcott stated he concurs with the findings of fact. The Board concurred as well.

Under Conclusions of Law (page 23 & 24) Commissioner Chilcott made a motion that based on the findings of facts and conclusions of law, and subject to the conditions, requirements of final plat approval, and requirements of final plat application approval, the potentially significant adverse impacts of the subdivision on the natural environment will be sufficiently mitigated. Commissioner Iman seconded the motion and all voted "aye" (5-0)

Criterion #5 Effects on Wildlife:

1-4) Under the Findings of Fact and 1-3) Conclusions of Law, **Commissioner Iman made a motion that based on these findings within the recommended mitigating conditions of approval and final plat requirements, the potentially significant adverse impacts of the subdivision on wildlife will be sufficiently mitigated. Commissioner Stoltz seconded the motion and all voted "aye". (5-0)**

Criterion #6 Effects on Wildlife Habitat:

1-3) Under Findings of Fact and 1) Conclusions of Law, **Commissioner Stoltz made a motion that based on the findings within the recommended mitigating conditions of approval and final plat requirements, the potentially significant adverse impacts of the subdivision on wildlife habitat will be sufficiently mitigated. Commissioner Iman seconded the motion and all voted "aye". (5-0)**

Criterion #7 Effects on Public Health and Safety:

1-5 Under Findings of Fact for Traffic Safety, Emergency Vehicle Access & Response Time, Water & Wastewater, and Natural and Man-Made Hazards, and 1-7) Conclusions of Law Commissioner Chilcott made a motion that 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. Commissioner Stoltz seconded the motion and all voted "aye". (5-0)

The Board then made a review of Adjusted Conditions to reflect the changes made here today. Kevin reviewed those changes as follows:

1) An additional condition with addendum for no build alteration: Per Terry they will identify those areas on the final plat. John stated any building is subject to flood plain. In regard to wetlands that delineation has not been done; leaving the island out of the no build alteration zone which would keep the owners from having to come back to the county at a later date. The Board concurred for that map delineation.

2) Strike #5, on Page 7

3) #7 on page 7 reflect the \$250.00

4) #8 on page 7 add language 'on each side of bank'

5) #11 page 7, capture the bubble piece of land, with no build alteration shown on the final plat identified as preliminary wetlands and determined on the final plat. Identify this description in #1 and John will identify it on the map.

Commissioner Chilcott made a motion that the AP Lot 5, Big Creek Meadows minor Subdivision be approved, based on the findings of fact and conclusions of law in the staff report, and subject to the staff report as amended today at this public hearing. Commissioner Stoltz seconded the motion and all voted "aye" (5-0).

Hearing was adjourned.

► The Board met at 11:00 a.m. for an update on a petition to move the boundary on the James Duus Estate. Present was Deputy County Attorney Howard Recht, Planning Administrator Terry Nelson, Surveyor Steve Powell, Attorney Royce McCarty, Jeff Duus and Lindy Wemple.

Royce McCarty gave some background to this land in trust that is adjacent to the Golf Course on the east side. The trust is set in place to pass the family farm to siblings (children of Mr. and Mrs. Duus; Jeff Duus and Lindy Wemple) so farming can continue on this ground. There are restrictions on the farm due to federal estate taxes. The large flat portion of the ranch had a special use valuation by IRS which allows the continuation of farming and ranching. If Jeff and Lindy sell the land and don't continue ranching they would have to pay a recapture tax to the IRS. This potential boundary line (division of land between the siblings) has taken several months to negotiate and it allows both to continue their agriculture operations.

Surveyor Powell explained the boundary line modifications by survey/mapping as well as the surrounding parcels. There are six separate parcels and they hope to achieve 9 parcels (A-H) through this boundary line adjustment.

Commissioner Chilcott addressed the public's right to participate as well as MCA under Title 76, indicating the Commissioners must make sure no evasion of the subdivision laws occur. He asked why this land division was not being handled through a family transfer or the subdivision process. Steve stated the family transfer would be to a younger child that does not have commitment to the ranch as does Lindy and Jeff who currently work the land. The court order is simply an expediency.

Lindy explained how she and her brother decide what is planted on all the land, also explaining the existing houses owned by parents and grandparents, the natural topography of the land, fencing, past and current work and money put into the houses as well as the barn and corrals. They do not want any of the land changed and they do not want any subdivision of the land. Lindy stated it is tough to hang on to the land for agriculture purposes. She actually has to have an outside job. All first options for possible sale apply to the other sibling.

Commissioner Chilcott addressed Lots A & B being contiguous but both belonging to Jeff. He felt this could be challenged for subdivision criteria and the citizens right to participate. The Commissioners do not want litigation to result from this boundary relocation nor do they want to be accused of creating lots w/o participation.

Steve stated this charges the District Court Judge to make that call. He suggested the Commissioners express that concern to the Judge and let him make that call.

Commissioner Iman agreed to defer this division to the court, but to express the Commissioners' concerns of going from 6 to 9 lots. While there could be reasons for the manner in which it has been drawn up for lot division, he too sees issues with Lots A & B and A & E.

Attorney Recht stated the Commissioners have raised their concerns in regard to this looking like a subdivision. Under MCA 6-3-207 the requirement is for the Commissioners to look at the lots and make comment to the court. The Commissioners do question some of the lot configurations. It is important and just that the Commissioners explain those concerns to the Judge, while understanding the need to divide the properties between two siblings and keep it in the family.

Attorney Recht also addressed parcels E,G, & H which are involved (because of their location) in the current litigation over the golf balls coming from the golf course. He suggested the Commissioners make comment to the court on that issue as well. Also to note that parcels A & E have the lack of sanitation approval; make that part of the record so a potential new owner would have that notice.

Commissioner Iman concurred with Attorney Recht noting that while the Commissioners do not have the right to tell the court what to do, they should express their concerns based on the criteria for the creation of lots as well as addressing the lack of septic approval to two of those lots. Commissioner Chilcott reiterated that the Commissioners do not advocate evasion and the need to express their concerns on the lots being created, deferring it to the court. Terry will work with Attorney Recht on the letter to be sent to the court.

► The Board met for a public hearing at 1:30 p.m. for fee increase/decrease for Public Health. This hearing was streamed live by WEB Ex. Legal notice was in the paper of record.

Present at this meeting was PHN Director Judy Griffin and Staff Kerry McKillip. Kerry presented a proposal of the changes (see attached). She noted most of these changes are from the changes in cost from the State of Montana Lab. They received these cost changes in July and the proposal if accepted will simply cover the increase.

Commissioner Iman asked about the cost for drawing blood. Kerry stated these are in-house charges for blood draws and are figured in by Accounting/Payroll (includes for personnel salary and benefit). She noted those in-house charges are also on page 2. Commissioner Stoltz asked about rounding up the charges. Commissioner Chilcott state he is not comfortable exceeding .12 cents. Kerry stated it is not unreasonable to round in this manner as supplies fluxuate due to the market driven economy. She pointed out in some items they have rounded down and up. Commissioner Chilcott suggested they approve this contingent upon Co. Attorney's approval

and following the Montana Law. **Commissioner Iman made a motion to approve the Fee Increase and Decrease as proposed subject to review and approval of the County Attorney. Commissioner Chilcott seconded the motion. No public comment was received. All voted "aye". (5-0)**

► The Board met at 2:00 p.m. for a road update with Road Administrator Eric Anderson which included discussion/decision on additional purchase for recycled asphalt projects, sign installation fee update and pro rata basis update. This meeting was moved from Tuesday, September 18th. Also present was Planning Administrator Terry Nelson.

- Regulatory street signs: Discussion included standards for signs/fee schedules and installation by private sector versus the road department. Agreed to stay out of the business of installing signs that are not county roads.
- Pro Rata: Eric would like to see a comprehensive update of the numbers and bid tabs. Eric would like a third party to do the analysis as it would be less challengeable. The first step will be to ascertain the costs associated with this analysis. The Board concurred.
- Asphalt Roto-millings from MDOT: Eric noted they received extra road millings from MDOT. In order to utilize them they will need more reclamite products. This provides a good seal on top of the roto-millings. The FY 2013 budget does not allow him to purchase all of the materials needed to complete the Stevi W River Road Project or the Meadow Vista Project. He estimates the cost at \$29,100 for a full load (6,000) (4,700 gallons Stevi; 1,400 gallons on Meadow Vista - thus short 4,900 gallons short). He stated remaining loads could be utilized on other roads. Discussion included the ADT on the roads and cost thereof. Commissioner Chilcott expressed concern over the dust particulate from Stevi River Road as it is right on the river. **Commissioner Iman made a motion to forgo buying more extend (reclamite products) but to place the millings remaining on Meadow Vista and Stevi River Road.. Commissioner Burrows seconded the motion.** Public Comment: Chris Hockman will there be cost savings for maintenance on one year? Board stated they would not know that information yet.. **Commissioners Foss, Burrows, Iman, Stoltz voted "aye". Commissioner Chilcott voted "nay". Motion carried (4-1).**



Ravalli County Planning Department
215 South 4th Street, Suite F
Hamilton, Montana 59840
406.375.6530 Fax 406.375.6531 planning@rc.mt.gov

OG-12-09-208

STAFF REPORT UPDATE MEMO

To: BCC
From: Kevin Waller, Planner
Subject: **AP Lot 5, Big Creek Meadows 2-Lot Minor Subdivision**
Date: September 18, 2012
Cc: Applicant/Consultant/Outgoing Mail File/Subdivision File

In a discussion with the applicant's consultant, John Horat of Bitterroot Engineering, on the above-referenced subdivision Tuesday, September 14, 2012, I was informed of new information regarding potential future development on proposed Lot 5-B.

The subdivider is exploring the option of placing a livestock stable, possibly 60'X60' in size, on Lot 5-B sometime in the near future. The stable would provide protection for horses and cattle, in addition to food storage and other resources.

Placement of the structure on Lot 5-B, however, could present previously unforeseen impacts to the apparent wetlands, natural watercourses, and riparian vegetation on the lot. In addition, the existing FEMA-mapped floodway encumbers a sizeable portion of Lot 5-B, on both its west-central and eastern ends. The *proposed* floodway and 100-year floodplain boundaries, however, encompass *all areas* the stable would potentially locate upon.

Given the constraints on potential siting locations, Planning Staff recommends that the following modifications be made to the staff report issued September 12, 2012:

Planning Staff Recommended Condition (1) *Modified*

Addition to the Notifications Document, as follows:

Notification of Future Building Site(s) on Lot 5-B. Any future building sites on the downslope portion of Lot 5-B will require either a floodplain permit from the Ravalli County Floodplain Program, or provide evidence that the development is outside of the proposed FEMA-mapped 100-year floodplain and/or floodway boundaries, as set forth in Condition (12) of Planning Staff's report. Development cannot be located within the natural watercourses or associated riparian areas identified on the final plat. Development proposed in wetland areas will require a wetland delineation study by a qualified professional. *(RCSR Section 4-7(B)(5)(d-g), Effects on Natural Environment, Wildlife, Wildlife Habitat, and Public Health and Safety)*

Planning Staff Recommended Condition (12) *Added*

Any future development proposed on Lot 5-B, specifically, east of the area labeled "Significant Topographic Break" on the preliminary plat, shall require a floodplain permit from the Ravalli County Floodplain Program, or evidence that the development is outside of the flood hazard boundaries, with documentation of either submitted to Planning. Such evidence that the development is outside of the flood hazard boundaries must be certified by a Montana-licensed professional engineer or land surveyor. In any event, the development shall not be placed within the identified natural watercourses or associated areas of riparian vegetation. Development proposed within wetland areas shall require a wetland delineation study by a qualified professional, with evidence submitted to Planning. *(RCSR Section 4-7(B)(5)(d-g), Effects on Natural Environment, Wildlife, Wildlife Habitat, and Public Health and Safety)*



Ravalli County Planning Department
215 South 4th Street, Suite F
Hamilton, MT 59840
406.375.6530 Fax 406.375.6531 kwaller@rc.mt.gov

OG-12-08-187

Date: August 29, 2012
To: Interested Agencies
From: *KW* Kevin Waller, Planner
Cc: Outgoing Correspondence File, Subdivision File
Enc: Reduced plat & vicinity map

Subject: Agency Comment on AP Lot 5, Big Creek Meadows Minor Subdivision

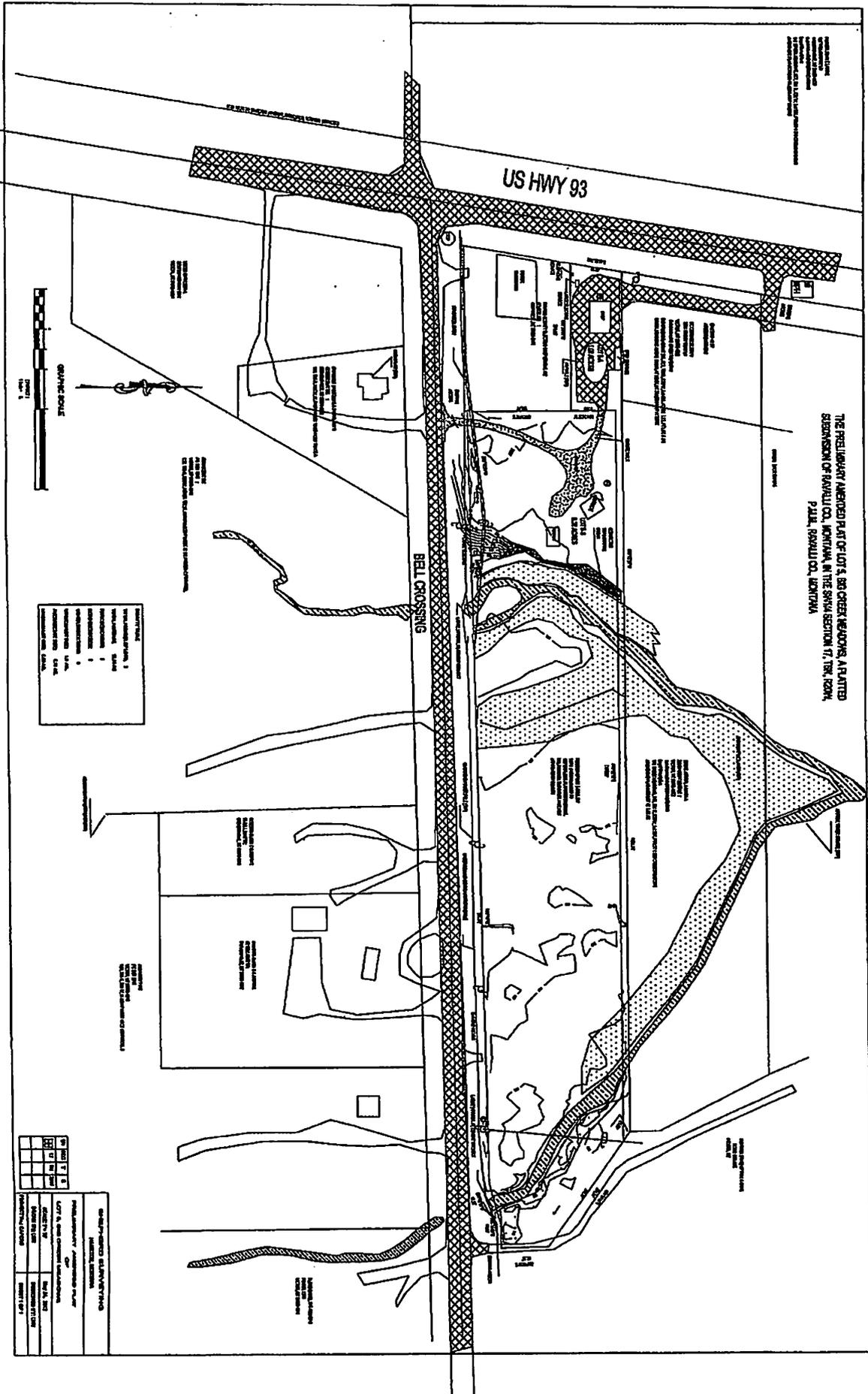
The Planning Department solicited comments from your office regarding the above mentioned subdivision on July 10, 2012. In that letter, you were informed that we would notify you when the subdivision was deemed sufficient for public review.

This letter is to inform you that the subdivision has been deemed sufficient, and is scheduled for review by the Ravalli County Board of County Commissioners at **9:00 am. on Wednesday, September 19th, 2012**, in the Commissioners' Conference Room on the third floor of the Administrative Center (215 S. 4th, Hamilton).

AP Lot 5, Big Creek Meadows is a two-lot minor subdivision proposed on 10.50 acres, located at the intersection of U.S. Highway 93 and Bell Crossing W., approximately 1 ½ miles northeast of the community of Victor, as shown on the enclosed location map. Both lots will continue to serve existing residential and commercial activities. The lots will remain connected to the existing septic systems and wells. Access to this property is via U.S. Highway 93 and Bell Crossing W. The subdivision will add no children to the School District. No additional or expanded structures or uses are proposed, and as such, the property's current estimated average number of daily vehicular trips (20) is not expected to change after the subdivision.

Although the Planning Department encourages agencies to submit feedback upon the initial notification, comments will be accepted at any time prior to the public hearing. Comments may also be delivered in person at the BCC public hearing. Please note, however, that only under select circumstances will new information be allowed into the record *after* the public hearing.

Please be advised that the meeting time noted above indicates when the hearing/meeting begins, and that there may be multiple items on the agenda.



THE FOLLOWING AMENDED PART OF LOT 4, 800 GREEN WOODS, A PLANNED SUBDIVISION OF BAYVILLE, MONTANA, IN THE SHAW SECTION 17, T16N, R20W, PAUL, BAYVILLE CO., MONTANA

LEGEND

1	EXISTING LOT
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AMENDED SUBDIVISION

REVISIONS

NO.	DATE	DESCRIPTION
1	10/1/87	INITIAL PLAN
2	10/1/87	REVISIONS
3	10/1/87	REVISIONS
4	10/1/87	REVISIONS
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50	10/1/87	REVISIONS



REQUEST FOR COMMISSION ACTION

OG-12-09-201

Hearing: September 19th, 2012 at 9:00 A.M.

Request: **To act on the AP Lot 5, Big Creek Meadows Minor Subdivision.**

I. Action Requested

This is a request from Mack Capers, represented by John Horat of Bitterroot Engineering, to approve the AP Lot 5, Big Creek Meadows Minor Subdivision.

II. Subdivision Proposal

A. Overview

The AP Lot 5, Big Creek Meadows subdivision is a 2-lot proposed residential and commercial subdivision on 10.50 acres, located at the intersection of U.S. Highway 93 N. and Bell Crossing W.

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
Subdivision Application Packet

Staff: *KW* Kevin Waller
Date: September 12, 2012
Cc: Bitterroot Engineering and Design
Mack Capers

**AP LOT 5, BIG CREEK MEADOWS
TWO-LOT MINOR SUBDIVISION**

STAFF REPORT FOR BOARD OF COUNTY COMMISSIONERS

CASE PLANNER: *KW* Kevin Waller

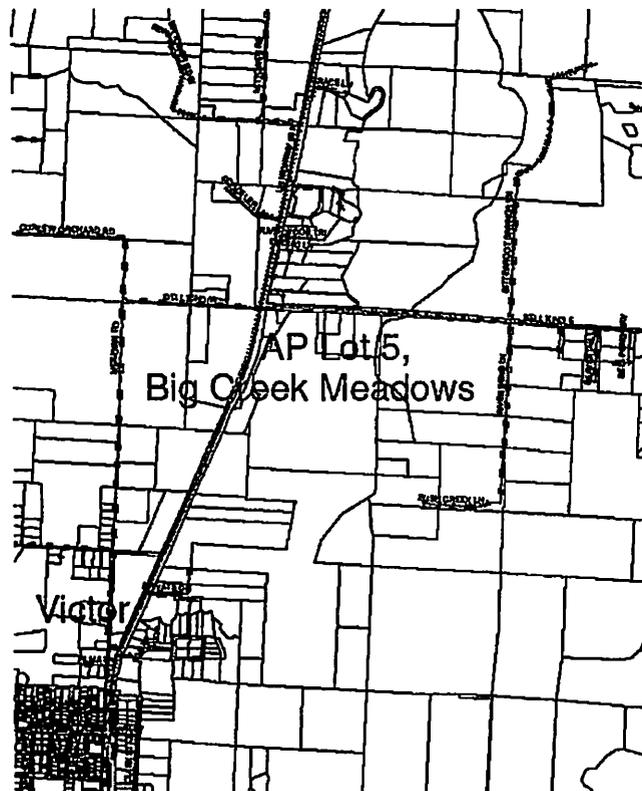
**REVIEWED/
APPROVED BY:** *TN* Terry Nelson

PUBLIC MEETING: BCC Public Meeting: 9:00 a.m., September 19, 2012
Deadline for BCC action (35 working days): October 15, 2012

SUBDIVIDER: Mack Capers
P.O. Box 372
Victor, MT 59875

REPRESENTATIVE: Bitterroot Engineering and Design, Inc. (John Horat, P.E.)
1180 Eastside Highway
Corvallis, MT 59828

LOCATION OF REQUEST: The property is located at the intersection of U.S. Highway 93 and Bell Crossing W., approximately 1 ½ miles northeast of the community of Victor. *(See Map 1, below)*



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

**LEGAL DESCRIPTION
OF PROPERTY:**

Lot 5 of Big Creek Meadows, located in the SW ¼ of Section 17, T8N, R20W, P.M.M., Ravalli County, Montana.

**APPLICATION
INFORMATION:**

The subdivision application was deemed sufficient for public review on August 23rd, 2012. Agencies were notified of the subdivision on July 10th, 2012 and August 29th, 2012. Comments received from agencies are Exhibits A-1 through A-6 of the staff report. **This subdivision is being reviewed under the Ravalli County Subdivision Regulations (RCSR) amended June 4th, 2012.**

LEGAL NOTIFICATION:

Notice of the project was posted on the property, and adjacent property owners were notified by mail dated September 4th, 2012. A legal notice was placed in the Ravalli Republic on September 2nd, 2012. No public comments have been received to date.

**DEVELOPMENT
PATTERN:**

Subject property:	Existing single family residence and commercial warehouse
North:	Residential
South:	Highway – Residential
East:	Recreational
West:	Highway – Agriculture

INTRODUCTION

AP Lot 5, Big Creek Meadows Subdivision is a two-lot minor subdivision, proposed on 10.50 acres. Both lots are proposed to serve existing residential and commercial activities. The proposed lots currently contain individual well and septic systems.

Staff recommends approval of the subdivision proposal.

RAVALLI COUNTY BOARD OF COUNTY COMMISSIONERS
SEPTEMBER 19, 2012

AP Lot 5, Big Creek Meadows Subdivision
TWO-LOT MINOR SUBDIVISION

PLANNING STAFF RECOMMENDED MOTION

That the AP Lot 5, Big Creek Meadows 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 submission of the final plat to the Planning Department, and filed with the final plat:

Notification of Proximity to Agricultural Operations. This subdivision is located near existing agricultural activities. Some may find activities associated with normal agricultural activities objectionable and dangerous. (RCSR Section 4-7(B)(5)(a), *Effects on Adjacent Agricultural Operations*)

Notification of Irrigation Facilities and Easements. An irrigation ditch traverses the western portion of Lot 5-B and a portion of Lot 5-A's flaglot, as shown on the final plat. All downstream water users have the right to maintain and repair their irrigation facilities whenever necessary to keep them in good condition. Activities associated with the maintenance of irrigation facilities may include the operation of heavy equipment, the occasional burning of ditch vegetation, and the use of herbicides. Downstream water right holders must approve any relocation or alteration (e.g. installation of a culvert) of irrigation ditches/pipelines. Any act that damages or destroys a ditch, interferes with its operation or maintenance in any way, or restricts access to the ditch so as to interfere with its maintenance, which includes but is not limited to the placement of structures or the planting of vegetation other than grass, is expressly prohibited. (RCSR Section 4-7(A) and Section 4-7(B)(5)(b), *Effects on Agricultural Water User Facilities*)

Notification of Water Rights. Residents within Lot 5-A do not currently have the right to take irrigation water out of the irrigation ditch traversing this subdivision. Taking water without a water right for any purpose is illegal. Water rights in this subdivision are expressly reserved for Lot 5-B. Residents should consult with the Montana Department of Natural Resources for questions on water rights. (RCSR Section 4-7(B)(5)(b), *Effects on Agricultural Water User Facilities*)

Notification of No-Build/Alteration Zone. Within this subdivision is a no-build/alteration zone, as shown on the final plat. No new structure may be constructed in this area. No new utilities may be constructed in this area. Roads, trails, and utility crossings through this area are permitted. The no-build/alteration zone shall be strictly enforced, unless a floodplain analysis determines that a specified area of Lot 5-A and/or Lot 5-B is outside the identified FEMA-mapped proposed 100-year floodplain and/or proposed floodway boundaries. However, the presence of wetlands and/or natural watercourse(s) in the specified area would still require a no-build/alteration zone 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. If a wetland delineation study indicates the lack of wetland presence where wetlands are shown to be present on the final plat, that area may also be removed from the no-build/alteration zone, *only if* the area is also shown to be outside of the floodplain/floodway boundaries. (RCSR Section 4-7(B)(5)(d), *Effects on Natural Environment; and (g) Effects on Public Health and Safety*)

Notification of Proximity to the Bitterroot River. This subdivision is located in close proximity to the Bitterroot River. There is an inherent hazard associated with rivers, due to potential soil erosion, flooding, and movement of the river channel. (RCSR Section 4-7(B)(5)(g), *Effects on Public Health and Safety*)

Notification of Proximity to a Potential Dam Inundation Area in the Event of a Catastrophic Failure of the Painted Rocks Reservoir Dam and/or Lake Como Reservoir Dam. A portion of the property may be located within the dam inundation area for the Painted Rocks Reservoir Dam and Lake Como Reservoir Dam. The Painted Rocks Reservoir Dam is owned and operated by the State of Montana, Department of Natural Resources and Conservation District, Water Resources Division, Dam Safety Program (48 North Last Chance Gulch, P.O. Box 201601, Helena, Montana, 59620-1621). The Lake Como Reservoir Dam is owned and operated by the United States Department of the Interior, Bureau of Reclamation Division (1917 Marsh Rd., Yakima, WA 98901). A map of the probable extent of the inundation areas is included as an exhibit to this document [the subdivider shall include the exhibit as an attachment]. These areas are also shown on the final plat. (RCSR Section 4-7(B)(5)(g), *Effects on Public Health and Safety*)

Recommendation for Flood Insurance. Although the property's existing structures are outside of the FEMA-mapped floodplain, the Ravalli County Floodplain Manager recommends that property owners obtain flood insurance, since standard homeowner's insurance policies do not cover flood damages. (RCSR Section 4-7(B)(5)(g), *Effects on Public Health and Safety*)

Notification of Access Easement to Service Lot 5-A. The access easement for the benefit of Lot 5-A is not maintained by Ravalli County, the State of Montana, or any other governmental entity. Neither the County, nor the State, assumes any liability for lacking or improper maintenance. Documentation of the easement was filed with this subdivision, and outlines which parties are responsible for maintenance, and under what conditions. (RCSR Section 4-7(B)(5)(c), *Effects on Local Services*)

Notification Regarding Lighting for New Construction. To promote public health and safety, reduce energy consumption, and reduce impacts to nocturnal wildlife, full cut-off lighting is recommended for any new construction within this subdivision. A full cut-off fixture means a fixture, as installed, that is designed or shielded in such a manner that all light rays emitted by the fixture, either directly from the lamps or indirectly from the fixture, are projected below a horizontal plane through the lowest point on the fixture where light is emitted. The source of light should be fully shielded on the top and sides, so as not to emit light upwards or sideways, but only allowing light to shine down towards the subject that is to be lighted. For more information, visit www.darksky.org. (RCSR Section 4-7(B)(5)(d), *Effects on Natural Environment; (e) and (f), Effects on Wildlife and Wildlife Habitat; and (g), Effects on 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. (RCSR Section 4-7(B)(5)(g), *Effects on Public Health and Safety*)

Living with Wildlife. Owners and/or renters of lots in this residential and 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.

(RCSR Section 4-7(B)(5)(d-g), Effects on Natural Environment, Wildlife, Wildlife Habitat, and Public Health and Safety)

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. *(RCSR Section 4-7(B)(5)(a), Effects on Adjacent Agricultural Operations; and (d), Effects on Natural Environment)*

Required Posting of County-Issued Addresses for Lots within this Subdivision. The Victor 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. *(RCSR Section 4-7(B)(5)(c), Effects on Local Services; and (g), Effects on 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. *(RCSR Section 4-7(B)(5)(c), Effects on Local Services; and (g), Effects on Public Health & Safety)*

Floodplain Restrictions. The Ravalli County Floodplain Regulations require that no building, nor fill, will be allowed inside the limits of the floodplain. *(RCSR Section 4-7(B)(5)(g), Effects on Public Health and Safety)*

State Commercial Building Standards. The State of Montana has building codes for commercial buildings. For more information, contact the Montana Department of Labor and Industry, at PO Box 1728, Helena, MT 59624-1728 or call 406-444-2840. *(RCSR Section 4-7(B)(5)(c), Effects on Local Services; and (g), Effects on 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. *(RCSR Section 4-7(B)(5)(d), Effects on Natural Environment)*

No-Build/Alteration Zone. Within this subdivision is a no-build/alteration zone, as shown on the final plat. No new structure may be constructed in this area. No new utilities may be constructed in this area. Roads, trails, and utility crossings through this area are permitted. *(RCSR Section 4-7(B)(5)(d), Effects on Natural Environment; and (g) Effects on Public Health and Safety)*

Amendment. Written governing body approval shall be required for amendments to provisions of the covenants that were required to be included as a condition of subdivision approval. *(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

- 7 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 ≤ 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)

✓ CC
moder

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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mota

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)

CS
mota

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)

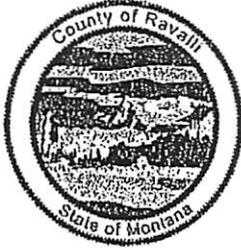
Natural and Man-made Hazards

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)

CC.
motion.
✓



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

- Exhibit A-1 -

OG-12-07-152

July 26, 2012

Mack Capers
PO Box 372
Victor, MT 59875-0372

RE: Floodplain Comments for AP Lot 5, Big Creek Meadows Minor Subdivision
Parcel #924000, Geocode #1666-17-1-01-22-0000, Sec. 17, T8N, R20W

Dear Mr. Capers,

We have completed our floodplain review for a waiver of the requirement for a full floodplain analysis according to Appendix J of the effective Ravalli County Subdivision Regulations for the above proposed minor subdivision. We have determined the following:

1. The eastern edge and a portion of the central area of the existing lot are located within the existing 100 yr floodplain (more specifically the 100 yr floodway) of the Bitterroot river.
2. The area between the two legs of existing floodway will be included within the flood fringe on the proposed Flood Insurance Risk Maps (FIRM's) expected to go into effect in 2013.
3. There are currently no structures located within the areas of floodplain as defined by the current FIRM's or the proposed FIRM's.

To mitigate the impacts to public health and safety and to comply with current Ravalli County Floodplain Regulations:

1. No building will be allowed inside the existing or proposed limits of the floodplain.
2. No fill is to be allowed within the existing or proposed limits of the floodplain.

Given the information cited above and the material presented in your application, we believe that it is reasonable to waive the requirement for a full floodplain analysis as outlined in the Ravalli County Subdivision Regulations. Consequently, your waiver request is granted for this project. If you have any questions, please feel free to contact our office.

Sincerely,

A handwritten signature in black ink, appearing to read "Brian Wilkinson".

Brian Wilkinson, P.E.
Ravalli County Floodplain Manager

Cc: Correspondence File - General
John Horat, Bitterroot Engineering and Design, Inc., 1180 Eastside Highway, Corvallis, MT 59828

- Exhibit A-2 -

Kevin Waller

From: Schock, Larry [lschock@mt.gov]
Sent: Tuesday, July 31, 2012 9:15 AM
To: Kevin Waller
Cc: Brian Wilkinson
Subject: RE: First Agency Comment Request for AP Lot 5, Big Creek Meadows Subdivision in Ravalli County

Hi Kevin,

The map is a little hard to read. However, as long as the 100 yr. floodplain is shown on the plate, based upon the actual on ground elevations, and they follow the Ravalli Co. floodplain regulations, they should be OK.

Larry A. Schock, CFM
DNRC WRD MRO
(406) 542-5885
lschock@mt.gov

From: Kevin Waller [<mailto:kwaller@rc.mt.gov>]
Sent: Tuesday, July 10, 2012 3:14 PM
To: DNRC Bitterroot CD; Schock, Larry; Mullins, Liz; marjoleen.brady@dhs.gov; Skinner, Jim; Basting, Pat; Rose, Sharon; matt.holden@northwestern.com; Ron Nicholas; Lea Guthrie; Brian Wilkinson; Eric Anderson; Chris Hoffman; kellieann_rcwd@yahoo.com; Murdo, Damon; victorfd@cybernet1.com; pearson@victor.k12.mt.us
Subject: First Agency Comment Request for AP Lot 5, Big Creek Meadows Subdivision in Ravalli County

Good Afternoon:

Attached, please find an Agency Comment Request, preliminary plat, and location map for a proposed 2-lot subdivision, just north of 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



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, OMAHA DISTRICT
HELENA REGULATORY OFFICE
10 WEST 18TH STREET, SUITE 2200
HELENA, MONTANA 59626-9705

August 8, 2012

RECEIVED

AUG 13 2012
IC-12-08-194
Ravalli County Planning Dept.

SD# 2012-1
-Exhibit A-3-

Regulatory Branch
Montana State Program
Corps No. NWO-2012-01860-MTH

Subject: Mack Capers Residential Subdivision AP Lot 5 - Big Creek

Ravalli County Planning Department
Attn: Kevin Waller
215 South 4th Street
Suite F
Hamilton, MT 59840

Dear Mr. Waller:

We have reviewed the pre-application consultation submitted for a residential subdivision near Victor. The proposed work is located at latitude: 46.44451, longitude: -114.13349, in Section 17, Township 8 North, Range 20 West, Ravalli County, Montana.

Under the authority of Section 404 of the Clean Water Act, Department of the Army (DA) permits are required for the discharge of fill material into waters of the U.S. Waters of the U.S. include the area below the ordinary high water mark of stream channels and lakes or ponds connected to the tributary system, and wetlands adjacent to these waters. Isolated waters and wetlands, as well as man-made channels, may be waters of the U.S. in certain circumstances, which must be determined on a case-by-case basis.

Based on the information provided, the project involves the proposed subdivision containing wetlands referred to as AP Lot 5 Big Creek Meadows.

Our comments for this project are:

- a. If the project does not involve installation of fill material in waterways and wetlands of the U.S., no DA permit is required for this project.
- b. If the project involves the placement of fill material in waterways and wetlands, a DA permit is required. Structures and utility lines should be placed outside of wetlands and away from waterways wherever possible. If the project involves work in a waterway or wetland, the work should be conducted in the dry as much as possible.

- c. Based on a review of the National Wetland Inventory, wetlands are located within to the project area. An on-the-ground wetland delineation is required if wetlands of the U.S. will be affected by the placement of fill material. In order for a DA permit application to be considered complete, a wetland delineation will be required in accordance with the Corps of Engineers 1987 Wetland Delineation Manual and applicable Regional Supplements. While the NWI maps are informative for planning and pre-application reviews, the NWI maps are insufficient for our permit-level review of aquatic impacts.
- d. Ravalli County contains the threatened species: Bull trout and Bull Trout Critical Habitat. It is unclear if this species could be impacted by the proposed activities. If a DA permit is required, a Biological Assessment for impacts to the Bull trout and Bull Trout Critical Habitat may need to be coordinated.

A copy of this letter will be provided to Mack Capers, P.O. Box 372, Victor, MT 59855.

Finally, DA Permits do not eliminate the requirement that you obtain all other applicable federal, state, tribal, and local permits as required. Please contact this office at (406)441-1375 and reference Corps File Number NWO-2012-01860-MTM if you have questions concerning this determination.

Sincerely,


for Tedd N. Tillinger
Montana Program Manager

Exhibit A-4

RECEIVED

JUL 27 2009

IC 09-07-572
Ravalli County Planning Dept.

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.

Maintenances:

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



Stevensville Rural Volunteer Fire District

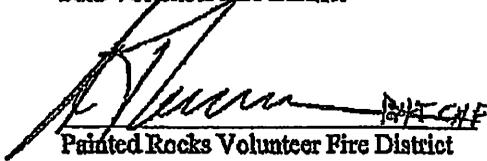


Victor Volunteer Fire District



Hamilton Rural Fire District

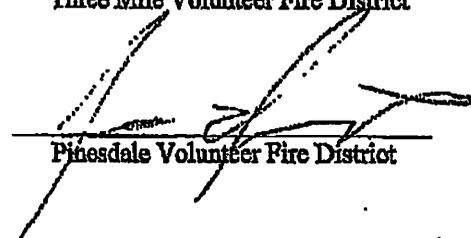
Sula Volunteer Fire District



Painted Rocks Volunteer Fire District



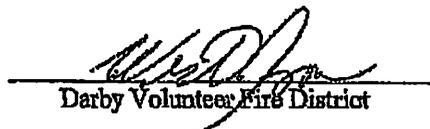
Three Mile Volunteer Fire District



Pinesdale Volunteer Fire District



Corvallis Volunteer Fire District



Darby Volunteer Fire District

West Fork Volunteer Fire District

Exhibit A-5
RECEIVED

BIG SKY DISTRICT
GROWTH MANAGEMENT

JUN 11 2007



Ravalli County Planning Dept.

10-07-06-729

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
BLAINE, MT 68101-8334
PHONE 406-657-5710
FAX 406-657-5708
EMAIL MIKE.WYRWAS@USPS.GOV

Randy Ffrick

From: Wyrwas, Mike - Billings, MT [mike.wyrwas@usps.gov]
Sent: Friday, June 29, 2007 9:26 AM
To: Randy Ffrick
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 Ffrick [mailto:rffrick@ravallcounty.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-G

May 22, 2012

John Horat
Bitterroot Engineering & Design
1180 Eastside Hwy
Corvallis MT 59828

RE: AP LOT 5 BIG CREEK MEADOWS, 2 LOT MINOR SUBDIVISION.
SHPO Project #: 2012052205

Dear Mr. Horat:

I have conducted a cultural resource file search for the above-cited project located in Section 17, T8N R20W. According to our records there have been a few previously recorded sites within the designated search locale. In addition to the sites there has been one previously conducted cultural resource inventory done in the area. I've attached a list of the sites and report. If you would like any further information regarding the sites or report you may contact me at the number listed below.

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 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. 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
3 attachments — Download all attachments

-  **2012052205.xls**
181K View Open as a Google spreadsheet Download
-  **CRABS.pdf**
97K View Download
-  **CRIS.pdf** Download

Big Sky. Big Land. Big History.

Montana
Historical Society

STATE HISTORIC PRESERVATION OFFICE

Cultural Resource Information Systems

CRIS Township Range Section Report

Report Date:

05/22/2012

Site #	Twp	Rng	Sec	Qs	Site Type 1	Site Type 2	Time Period	Owner	NR Status
24RA0271	S W	20N	17	Comb	Historic Railroad	Well	Historic More Than One Decade	Forest Service	CD
24RA0532	S W	20W	17	Comb	Historic Irrigation System	Well	1900-1909	Other	CD
24RA0532	S W	20W	17	Comb	Historic Irrigation System	Well	1900-1909	Private	CD

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GRABS Township, Range, Section Report

Report Date:
05/22/2012

Township 16 N Range 20 W Section 17

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