



**MOUNTAIN PARK ESTATES  
TEN LOT MAJOR SUBDIVISION**

**STAFF REPORT FOR THE RAVALLI PLANNING BOARD**

**CASE PLANNER:** Wade Humphries

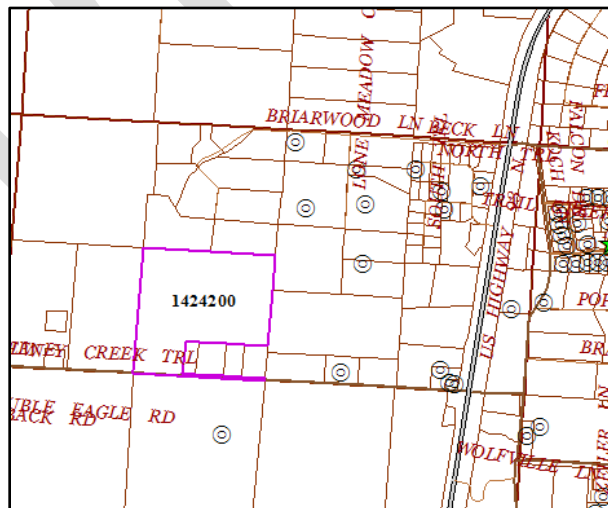
**REVIEWED/  
APPROVED BY:** Terry Nelson

**PUBLIC HEARINGS/  
MEETINGS:** Planning Board Public Meeting June 20, 2018  
BCC Public Hearing: July 16, 2018 @ 1:00 p.m.  
Deadline for BCC action (60 working days): August 30, 2018

**SUBDIVIDER:** Building Roots, LLC  
PO Box 893  
Florence, MT 59833

**REPRESENTATIVE:** John Kellogg  
Professional Consultants, Inc.  
PO Box 1750  
Missoula, MT 59806

**LOCATION OF REQUEST:** The property is located southwest of Florence on Sweeney Creek Loop, west of US Hwy 93 S. (*See Map 1*)



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

**LEGAL DESCRIPTION  
OF PROPERTY:**

A parcel, located in Section 22, T10N, R20W, P.M.M., Ravalli County, Montana.

**APPLICATION  
INFORMATION:**

The subdivision application was deemed complete on June 6, 2018. Agencies were notified of the subdivision and comments received by the Planning Department not included in the application packet are included as Exhibits A-1 of the staff report. **This subdivision is being reviewed under the subdivision regulations amended June 4, 2012.**

**LEGAL NOTIFICATION:**

A legal advertisement was published in the *Bitterroot Star* on **TBA**. Notice of the project was posted on the property and adjacent property owners were notified by regular mail postmarked June 8, 2018.

**DEVELOPMENT  
PATTERN:**

Subject property	Proposed 10-Lot subdivision
North	Rural Residential
South	Rural Residential/Forest
East	Rural Residential
West	Rural Residential

**INTRODUCTION**

The Mountain Park Estates Major subdivision is a ten (10) lot major subdivision proposed on 35.69 acres. All lots are proposed for single-family residential use. Lots will be served by individual wells and septic systems. The project is proposed to be filed in 1 phase. There are no variance requests accompanying this proposal.

*Staff recommends conditional approval of the subdivision proposal.*

**RAVALLI COUNTY PLANNING BOARD  
APRIL 12, 2018**

**MOUNTAIN PARK ESTATES  
TEN LOT MAJOR SUBDIVISION**

**PLANNING STAFF RECOMMENDED MOTION**

That the Mountain View Estates Major Subdivision preliminary plat application and preliminary plat be ***conditionally 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 MITIGATING CONDITIONS OF APPROVAL**

*The following conditions have been recommended to mitigate any perceived negative effects that this subdivision will have on the seven subdivision review criteria, based on the findings of fact and conclusions of law, as discussed within the body of this staff report.*

1. **Notifications to Future Property Owners:** A signed and notarized document entitled “Notifications to Future Property Owners”, that includes the following notifications, must be included in the submission of the final plat to the Planning Department, and filed with the final plat:

***Notification of Irrigation Facilities and Easements.*** Within this subdivision there are irrigation easements, as shown on the final plat. All downstream water right holders have the right to maintain and repair their irrigation facilities, whenever necessary, to keep them in good condition. Activities associated with the maintenance of irrigation facilities may include the operation of heavy equipment, the occasional burning of ditch vegetation, and the use of herbicides. Downstream water right holders must approve any relocation or alteration (e.g. installation of a culvert) of irrigation ditches/pipelines. Any act that damages or destroys an irrigation ditch/pipeline, interferes with its operation or maintenance in any way, or restricts access to the ditch/pipeline so as to interfere with its maintenance, including but not limited to the placement of structures or the planting of vegetation other than grass, is expressly prohibited. No water rights exist for Lots 1-9 of the Mountain Park Estates Major Subdivision and owners of said lots are not allowed to utilize waters carried by either the Simpson or Townsend Ditches. (*RCSR Section 3-7(A), Prerequisites to Approval, and Section 3-7(B)(5)(b), Effects on Agricultural Water User Facilities*)

***Notification of Mountain Park Road and Arete Lane to Service Subdivision Lots, and Roadway Maintenance Agreement.*** Mountain Park Road and Arete Lane, private roadways serving this subdivision, are not maintained by Ravalli County, the State of Montana, or any other governmental entity. Neither the County, nor the State, assumes any liability for lacking or improper maintenance. A Roadway Maintenance Agreement was filed with this subdivision, and outlines which parties are responsible for maintenance, and under what conditions. (*RCSR Section 3-7(B)(5)(c), Effects on Local Services*)

***Notification of Limitation of Access onto Roadways Abutting this Subdivision.*** A "no-ingress/egress" restriction exists along the Sweeney Creek Loop frontage with this subdivision, excepting the Mountain Park Road approach onto Sweeney Creek Loop, providing vehicular access to the subdivision at the subdivision's southern boundary. All lots within this subdivision must access off Mountain Park Estates or Arete Lane, the internal subdivision roads. This limitation of access may be lifted or amended only with the approval of the Ravalli County Board of County Commissioners. (*RCSR Section 3-7(B)(5)(c), Effects on Local Services, and Section 3-7(B)(5)(g), Effects on Public Health and Safety*)

***Notification of Stormwater Drainage Facilities.*** Within this subdivision, there are stormwater drainage facilities intended to capture and channel stormwater runoff. No structures may be placed within these facilities that are not needed for stormwater management. (*RCSR Section 3-7(B)(5)(d), Effects on Natural Environment*)

**Notification of Open Burning Season.** Landowners must follow open burning rules, established by MDEQ. Prior to burning, call the MDEQ ventilation hotline at 1-800-225-6779. The only material that can legally be burned is wood waste from trees, shrubs, and plants originating on the property, and clean, untreated wood generated on the property. You can review Montana open burning laws at <http://deq.mt.gov/dir/legal/Chapters/CH08-06.pdf>. Specific information regarding the Ravalli County Burn Permit procedures is available at <http://ravalli.us/501/Burning-Permits>. (RCSR Section 4-10(B)(5)(d), *Effects on Natural Environment*, and Section 4-10(B)(5)(g), *Effects on Public Health and Safety*)

**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](http://www.darksky.org). (RCSR Section 3-7(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 3-7(B)(5)(g), *Effects on Public Health and Safety*)

**Notification Regarding Junk Vehicles.** Junk vehicles are required to be removed, shielded, or repaired in accordance with the Montana Motor Vehicle Recycling and Disposal Act, Title 75, Chapter 10, Part 5, MCA. (RCSR Section 3-7(B)(5)(g), *Effects on Public Health and Safety*)

**Notification of Living with Wildlife.** Owners and/or renters of lots in this residential and commercial subdivision (hereafter, “occupants”) 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. Occupants 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 occupants could have with wildlife, as well as helping occupants protect themselves, their property, and the wildlife that Montanans value.

- a. Occupants must be aware of the potential for **vegetation damage by wildlife, particularly from deer** feeding on landscaping such as green lawns, gardens, flowers, ornamental shrubs and trees in this subdivision. Occupants 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. **Gardens, fruit trees** or orchards can attract wildlife, such as bear and deer. Keep produce and fruit picked and off the ground, because ripe or rotting fruit or organic material can attract bears, skunks, and other wildlife. To help keep wildlife, such as deer, out of gardens, fences should be 8 feet or taller.

The top rail should be made of something other than wire to prevent wildlife from entanglement. Netting over gardens can help deter birds from eating berries. To keep wildlife, such as bears, out of gardens, and/or away from fruit trees, use properly constructed electric fences, and maintain these constantly. (Contact FWP for information on “all-species electric fencing” designed to exclude wildlife from gardens and/or home areas.)

- c. **Garbage** should be stored in secure animal-resistant containers, or indoors to avoid attracting wildlife, such as raccoon and black bear. If stored indoors, it is best not to set garbage cans out until the morning of garbage pickup; bring cans back indoors by the end of the day.
- d. **Do not feed wildlife** or offer supplements (such as salt blocks), attractants, or bait for deer, wild turkey or other wildlife, including during the 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, etc.), 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, occupants must be aware that deer and wild turkey can attract mountain lions to an area.
- e. Bears can be attracted to food smells associated with **outdoor food storage**; therefore, freezers and refrigerators should not be placed outdoors on porches or in open garages or buildings. If a freezer/refrigerator must be located outdoors, attempt to secure it against potential bear entry by using a stout chain and padlock around the girth of the freezer.
- f. **Birdseed** in bird feeders attracts bears. If used, bird feeders should: a) be suspended a minimum of 20 feet above ground level, b) be at least 4 feet from any support poles or points, and c) should be designed with a catch plate located below the feeder and fixed such that it collects the seed knocked off the feeder by feeding birds.
- g. **Pets** must be kept indoors, in a fenced yard, or in an outdoor kennel area when not under the immediate control of the owner, and not be allowed to roam as they can chase and/or 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 hooved game animals, and the owner may be held guilty (§ 87-3-124, MCA).
- h. **Pet food and livestock feed** should be stored indoors, in closed sheds, or in bear-resistant containers, in order to avoid attracting wildlife, such as bears, mountain lions, skunks, and raccoons. **When feeding pets and livestock**, do not leave food out overnight. Consider feeding pets indoors, so that wild animals do not learn to associate food with your property.
- i. **Barbecue grills** should be stored indoors. Keep all portions of the barbecues clean. Food spills and smells on and near the grill can attract bears and other wildlife. (Due to the potential hazard of fire and explosion, propane cylinders for gas-fueled grills should be disconnected and kept outdoors. Under no circumstances should propane cylinders be stored indoors.)
- j. Consider **boundary fencing** that is no higher than 3-1/2 feet (at the top rail or wire) and no lower than 18 inches (at the bottom rail or wire) in order to facilitate wildlife movement. Contact FWP for information, and/or a brochure, on building fences with wildlife in mind.
- k. **Compost piles** can attract skunks and bears. If used, they should be kept in wildlife-resistant containers or structures. Compost piles should be limited to grass, leaves, and garden clippings, and piles should be turned regularly. Adding lime can reduce smells and help decomposition. Do not add

food scraps. (Due to the potential fire hazard associated with decomposition of organic materials, compost piles should be kept at least 10 feet from structures.)

1. **Apiaries (bee hives)** could attract bears in this area. (If used, consult Montana Fish, Wildlife & Parks or the U.S. Fish & Wildlife Service for help in planning and constructing an apiary system that will help deter bears.)
- m. These “living with wildlife” covenants cannot be altered or eliminated without the concurrence of the governing body (County Commissioners).

*(RCSR Section 3-7(B)(5)(d-g), Effects on Natural Environment, Wildlife, Wildlife Habitat, and Public Health and Safety)*

2. **Protective Covenants:** Protective covenants for this subdivision, signed and notarized, must 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 must control the growth of noxious weeds on their respective lot(s). Contact the Ravalli County Weed District for further information. *(RCSR Section 3-7(B)(5)(a), Effects on Agriculture and Adjacent Agricultural Operations; (d), Effects on Natural Environment; and (g), Effects on Public Health and Safety)*

**Required Posting of County-Issued Addresses for Lots within this Subdivision.** The Florence 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/commercial building and the road providing access to the lot as soon as construction on the residence/commercial structure begins. *(RCSR Section 3-7(B)(5)(c), Effects on Local Services; and (g), Effects on Public Health & Safety)*

**Access Requirements for Lots within this Subdivision.** Florence Rural Fire District has adopted the Fire Protection Standards. All accesses, including driveways to residences/commercial buildings over 150’ in length, must have a minimum unobstructed travel surface width of 20’ with 1’ shoulders, a vertical clearance of 13’6”, and an all-weather surface that can accommodate the weight of a fire truck. Please contact the Florence Rural Fire District for further information. *(RCSR Section 3-7(B)(5)(c), Effects on Local Services; and (g), Effects on Public Health & Safety)*

**Archaeological 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 must be contacted to determine if the find constitutes a cultural resource and if any mitigation or curation is appropriate. *(RCSR Section 3-7(B)(5)(d), Effects on Natural Environment)*

**Installation of Wood Stoves.** If wood-burning stoves are to be used, lot owners must install EPA-certified wood stoves to reduce air pollution. It is recommended that wood-burning stoves not be used as the primary heat source. More information is available at <http://www.epa.gov/woodstoves/index.html>. The State of Montana offers an [Alternative Energy Systems Credit](#) for the cost of purchasing and installing a low-emission wood or biomass combustion device, such as a pellet or wood stove. *(RCSR Section 3-7(B)(5)(d), Effects on Natural Environment)*

**Amendment.** Written governing body approval must be required for amendments to provisions of the covenants that were required to be included as a condition of subdivision approval. *(RCSR Section 3-7(B)(5), Effects on all seven criteria)*

3. **Stormwater Drainage:** The subdivider must obtain written permission from the appropriate irrigation district in order to discharge stormwater into the Townsend Irrigation Ditch. *(RCSR Section 12-4 (E))*
4. **Easement Documentation:** All easements shown on the subdivision plat must be supported by the appropriate legal documentation. Supporting documentation must be included with the final subdivision submittal for filing with the Ravalli Clerk and Recorders Office.
5. **RSID/SID Waiver:** The subdividers must include an RSID/SID waiver in a notarized document filed with the subdivision plat that states the following: “Owners and their successors-in-interest waive all rights to protest the creation of a special/rural improvement district for any purpose allowed by law, including: developing, improving, or expanding, a community water system, or a community wastewater treatment system, for an incorporated municipality, improving and/or maintaining the roads that access the subdivision including related right-of-way, drainage structures, and traffic control signs, and constructing and/or maintaining any pedestrian facilities, such as sidewalks, bike lanes, and trails. This waiver will expire 20 years after the date the final plat is filed with the Ravalli County Clerk and Recorder.” *(RCSR Section 3-7(B)(5)(c), Effects on Local Services; (g), Effects on Public Health & Safety; and 76-3-608(7), MCA)*
6. **Addresses:** The subdivider must provide evidence with the final plat submission that they have applied for County-issued addresses for each lot/unit within this subdivision. *(RCSR Section 3-7(B)(5)(c), Effects on Local Services; and (g), Effects on Public Health & Safety)*
7. **Fire Suppression:** The Final Plat must include a location within the Common Area for the underground fire suppression water storage tank. An easement for access and maintenance must encompass the location and area used for access to the location. All easement documentation must be included at the time of final plat application.
8. **Fire Council Access Requirements:** The following statement must be shown on the final plat: “The Ravalli County Fire Council, which includes the Florence Rural Fire District, has adopted Fire Protection Standards. All accesses, including driveways to residences/commercial buildings over 150’ in length, must have a minimum unobstructed travel surface width of 20’ with 1’ shoulders, a vertical clearance of 13’6”, and an all-weather surface that can accommodate the weight of a fire truck. Please contact the Florence Rural Fire District for further information”. *(RCSR Section 3-7(B)(5)(c), Effects on Local Services; and (g), Effects on Public Health & Safety)*
9. **School District Mitigation:** The applicant has given notice of their intentions to pay \$4,500 to the Florence-Carlton School District to alleviate identified effects of the subdivision on the school district. The applicant must provide evidence that the decided-upon mitigation has been implemented, prior to final plat approval. *(RCSR Section 3-7(B)(5)(c), Effects on Local Services, Recipient Letter)*
10. **Public Safety Services Mitigation:** The subdivider must negotiate mitigation with the BCC to alleviate perceived effects of the subdivision on Public Safety Services (Sheriff, E-911, DES). The subdivider must ensure that any decided upon mitigation has been implemented prior to final plat approval. *(RCSR Section 3-7(B)(5)(c), Effects on Local Services; and (g), Effects on Public Health & Safety)*
11. **Mountain Park Road and Arete Lane:** Mountain Park Road and Arete Lane, the internal subdivision roadways, must be located within a labeled “60-foot public road and public utility easement” on the final plat. *(RCSR Section 3-7(B)(5)(c), Effects on Local Services)*
12. **Irrigation Easement Document:** The subdivider must file and record an irrigation easement document with the final plat that addresses the Simpson and Townsend irrigation ditches located within the property. The easement must allow for unobstructed use and maintenance of the line that is necessary to convey water through the subdivision to lands adjacent to or beyond the subdivision boundaries in quantities and



in a manner that is consistent with historic and legal rights. (*RCSR Section 3-7(B)(5)(b), Effects on Agricultural Water User Facilities*)

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

*The following items must 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 must provide an explanation as to why the item is not applicable.*

The required materials in the final plat application must 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 RCEHD 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 RCRBD and MDOT, 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 must 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, must be provided. The grading and stormwater plans must be approved by all applicable reviewing agencies.
20. Roadway maintenance agreement(s) for all roadways and common driveways, which must 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 must 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 must 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 must 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 must 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) must be filed with the Clerk & Recorder as a single document (prior to or concurrent with the filing of the final plat) and must 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 must be prepared by a person with a working knowledge of irrigation water delivery systems;~~
  - ~~b. The plan must be drawn at the same scale as required for the final plat;~~
  - ~~c. The plan must be legible, showing all of the required information;~~

- ~~d. Where multiple sheets are used, a cover sheet with index must be included and each sheet must show the number of that sheet and the total number of sheets included;~~
  - ~~e. The plan must show the location of all existing and new diversion points, ditches, pipes, pumps, heads, and associated easements;~~
  - ~~f. The plan must provide a watering schedule that shows when each of the users can use water from the system;~~
  - ~~g. The plan must describe the means to share in the cost of operating and maintaining those elements of the delivery system held in common;~~
  - ~~h. The plan must 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. Documentation indicating that the water rights have been severed from the property.
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, U.S. Army Corps of Engineers, and/or the Ravalli County Floodplain Program.~~
27. Signed and notarized homeowners' association documents, including the following requirements:
- a. Articles of Incorporation, which must be filed with the Secretary of State's office
  - b. Bylaws
  - c. Covenants, and/or declarations, and
  - d. The homeowners' association documents must 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 must 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 must 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 must 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 must 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 those 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 those 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 must become a continuing lien on the lot; and~~
- ~~k. Notary statement.~~
- ~~l. Recording of Agreement. The high fire hazard area Management Plan must be filed with the Clerk & Recorder as a single document and must not include other provisions not related to high fire hazard area management.~~

30. Evidence that pro-rata share has been paid, if required.

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 must be required in any instance where engineered plans are required for the improvement. Alternatively, a subdivision improvement agreement and guaranty must be required that complies with [Appendix I](#).

*The required improvements for this subdivision include the construction of Arete and Mountain Park Roads to paved County standards, stop sign at the intersection of Arete and Mountain Park Roads, and Mountain Park Road and Sweeney Creek Loop Road, Arete and Mountain Park road name signs installation of stormwater conveyance systems and detention/retention systems, , installation of CBU's and concrete slabs, if required, and construction of bus turnouts, turnarounds, and shelters, if required.*

32. Evidence that a Collection Box Unit (CBU) has been installed, in accordance with local and federal Postal Service Policy, or a written approval from the local Post Office that a CBU is not necessary.

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

*The final plat must 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 must 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) and utility easements.
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 ditches/canals/pipelines, 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 RCEHD 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 MDOT State Highway access or encroachment permit, or a written approval from MDOT that a permit is not necessary, 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. If an alternate emergency access point is proposed, please clearly identify on the final plat, within the appropriate easement.

## SUBDIVISION REPORT

### **1. COMPLIANCE WITH PREREQUISITES TO APPROVAL**

Section 3-7(A) of the RCSR states that the Planning Board must not recommend approval or conditional approval of a preliminary plat application, unless it is established by credible evidence that the proposed subdivision:

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

##### Findings of Fact

1. The subdivision property is proposed to be connected to Missoula Electric Energy for electric and Northwestern Energy for natural gas service. CenturyLink Communications for telephone service. (Subdivision Questionnaire, Summary of Probable Impacts)
2. A 60' public roadway and public utility easement is proposed to envelop Mountain Park Road and Arete Lane. (Preliminary Plat, Summary of Probable Impacts)

##### Conclusions of Law

1. Existing and proposed utility easements are required to be shown on the final plat. (Final Plat Requirement 25)
2. The preliminary plat and associated application materials present credible evidence that utility easements will serve the subdivision. (Staff Determination)
3. With a requirement of final plat approval, the proposed subdivision will provide 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 Sweeney Creek Loop, a County-maintained roadway. Sweeney Creek Loop accesses U.S. Hwy. 93 North approximately 0.6 miles east of the property. (Preliminary Plat, Ravalli County GIS)
2. The proposed subdivision lots will gain legal and physical access from the subdivision's proposed internal roadway, Mountain Park Road and Arete Lane. (Preliminary Plat)
3. A preliminary Roadway Approach Permit was issued by the Ravalli County Road and Bridge Department for Mountain Park Road's access onto Sweeney Creek Loop. The preliminary permit states that final construction plans for Mountain Park Road need to be submitted, prior to the issuance of a finalized roadway approach permit. (Subdivision Application)
4. The subdivider has submitted a preliminary Roadway Maintenance Agreement for Arete and Mountain Park Roads, which applies to all lots within the subdivision. (Subdivision Application)
5. There are no physical obstructions preventing access to the site from Sweeney Creek Road. (Staff Site Visit April 6, 2018)

##### Conclusions of Law

1. Legal access will be provided to each lot within the subdivision from Mountain Park Road and Arete Lane, proposed private roadways, which in turn will be accessed by Sweeney Creek Loop, a County-maintained roadway. (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 will completely prevent unobstructed access to the proposed lots on-site, the property will have physical access. (Staff Determination)

3. The preliminary plat and associated application materials present credible evidence that there is legal and physical access to each parcel within the proposed subdivision. (Staff Determination)

**C. Assures that all required 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

The required improvements for this subdivision include the construction of Mountain Park Road and Arete Lane to paved County standards, stop signs at the intersection of Mountain Park Road and Sweeney Creek Loop, as well as, Mountain Park Road and Arete Lane, Mountain Park Road and Arete Lane road name signs, installation of storm water conveyance systems and detention/retention systems, installation of CBU's and concrete slabs, if required, and construction of bus turnouts, turnarounds, and shelters, if required.  
(Final Plat Application Requirement 31)

Conclusions of Law

1. The subdivider is required to submit evidence that the improvements have been made in accordance with the conditions of approval and requirements of final plat approval, and certified by the subdivider, prior to final plat approval. (Final Plat Application Requirement 31)
2. The final plat application requirements, or a Subdivision Improvements Agreement and Guaranty, will ensure that all improvements are installed. (Staff Determination)

**D. Assures that the requirements of 76-3-504(1)(j), MCA, regarding the disclosure and disposition of water rights as set forth in Chapter 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 average lot size of this subdivision is 3.32 acres. (Staff Calculation)
3. The subdivision property currently has a stock water right for 30 gpd per animal unit and there is a flood irrigation right of 372.5 gpm.
4. These water rights are to be used from the Simpson Ditch. This ditch runs through the northwestern part of the property.
5. The applicant is proposing that these water rights be severed from Lots 1-9 and be retained with Lot 10.



Conclusion of Law

1. Since the property does currently hold water rights, the requirements of MCA 76-3-504(1)(j) do apply to this subdivision proposal. (Staff Determination)
2. Documentation of the severance of the water rights from Lots 1-9 and the retention of the entire water rights with Lot 10, will need to be obtained prior to filing of the final plat.

**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. 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 must show a 30-foot-wide irrigation easement along the length of both the Simpson and Townsend irrigation ditches as shown on the Preliminary Plat (Mitigation Conditions)
3. Irrigation easement documents, addressing unobstructed use and maintenance of the proposed irrigation ditches on the property for the benefit of downstream water users, will be made a condition of subdivision approval. (Mitigating Condition)

Conclusion of Law

Based on the required easement, the subdivision proposal will conform with the provisions of 76-3-504(1)(k), MCA. This will ensure that downstream water users are protected. (Staff Determination)

**F. Provides for the appropriate park dedication or cash-in-lieu of park dedication, if applicable (see Chapter 13).**

Findings of Fact

1. Donation or reservation of 0.61 acre of land, or its cash equivalent, is required to meet the parkland donation requirement. (Subdivision Questionnaire)
2. The applicant proposes to reserve a 3.26-acre common area for the subdivision residents. The subdivision's Homeowners' Association will own and maintain the common area. The park's acreage exceeds the parkland dedication requirement by 2.65 acre. (Staff Calculation, Subdivision Questionnaire)
3. The proposed HOA covenant includes provisions for maintenance and improvements of the common area.
4. The Ravalli County Park Board met April 11, 2018 and discussed the proposal, as maintenance of the common area will be the HOA's responsibility, the Board had no objection.
5. A letter was submitted via email to Planning from the Ravalli County Park Board on December 30, 2014. This letter supports the position of the Florence Park Board, and recommends cash-in-lieu of parkland be provided. (Exhibit A-6)

Conclusions of Law

1. Because the applicant proposes a common area within the subdivision in the form of 3.26 acres of parkland, which exceeds the required acreage, for the recreational use of its residents, the park dedication requirement will be met, pursuant to 76-3-621(6), MCA. (Staff Determination)
2. The preliminary plat presents credible evidence that the appropriate park dedication has been considered. (Staff Determination)

**2. COMPLIANCE WITH APPLICABLE REGULATIONS**

Section 3-7(B) of the RCSR states that in recommending to approve, conditionally approve, or deny a preliminary plat application, the Planning Board must 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. (Preliminary Plat)
2. This subdivision proposal has followed the necessary application procedures, and has been reviewed within the procedures provided in Chapters 2 and 3 of the Ravalli County Subdivision Regulations. (Subdivision File and Staff Determination)
3. The application includes all necessary and applicable information sufficient for public review. (Staff Determination)

Conclusions of Law

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

**B. Any applicable zoning regulations.**

Finding of Fact

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

Conclusion of Law

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

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

Finding of Fact

1. There are no existing covenants or deed restrictions on this property. (Subdivision Questionnaire, Ravalli County Clerk and Recorder's Office)
2. The applicant has proposed a Declaration of Protective Covenants for the project.

Conclusion of Law

The Declaration of Protective Covenants has been reviewed and approved by the Ravalli County Park Board as being sufficient for the maintenance of the common area. (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 applicant was made aware of the applicable regulations at the pre-application conferences held on September 5, 2017. (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)

Conclusion of Law

With the mitigating 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:**

**1. CRITERION 1: EFFECTS ON AGRICULTURE AND ADJACENT AGRICULTURAL OPERATIONS**

Findings of Fact

1. The subject property is classified for tax purposes as Rural. (Montana Cadastral Database created by Montana Department of Administration, Information Technology Services Division, Geographic Information Services)
2. The surrounding properties within 300 feet of the subject property are classified as Rural Land. The surrounding properties range in size from approximately 1 to 20 acres. (Montana Cadastral Database created by Montana Department of Administration, Information Technology Services Division, Geographic Information Services, Ravalli County GIS)
3. The subject property is currently has a residence and supporting structures on it, and not in agricultural production. (Subdivision File-Summary of Probable Impacts, Site Visit, Ravalli County GIS)
4. The subdivision will be located in an area already impacted by residential development. (Site Visit, Ravalli County GIS)
5. The subdivider submitted a Ravalli County Subdivision Noxious Weed Evaluation Form, in accordance with the element submission requirements of the RCSR. (Subdivision Application – Noxious Weed Evaluation)
6. The subdivision property is wholly comprised of “Chereete Riverrun, Curlew, Victor gravelly loam, and Roaring lion Lost horse Complex coarse stony soil (Map Unit Symbol 17C, 315B, 343B, and 370E), classified as Not Prime Farmland. (NRCS Web Soil Survey data)

Conclusions of Law

1. The Ground Disturbance and Noxious Weed Management Plan, approved by the Ravalli County Weed District, as a condition of subdivision approval, will sufficiently mitigate potentially significant adverse impacts to agricultural operations concerning weeds. (Final Plat Application Requirement 13)
2. The property’s soil designation of Not Prime Farmland indicates that the subdivision presents no potentially significant adverse impacts to farmland of state or local importance in Ravalli County. (Staff Determination)

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

Findings of Fact

1. The application states that there are water rights currently associated with the property. (Subdivision Questionnaire, Summary of Probable Impacts)
2. Two existing irrigation ditches, identified as the Simpson Ditch and Townsend Ditch, are located on portions of the property. The Simpson Ditch is located in the Northwestern portion of the land and supplies water for both the 30gpd stock water right and the 372.5 gpm flood irrigation water right. No water rights exist for the property from the Townsend Ditch. (Site Visit, Preliminary Plat, Ravalli County GIS, Summary of Probable Impacts)
3. A culvert will be installed beneath Arete Lane, where the Townsend Ditch will intersect. (Summary of Probable Impacts, Preliminary Plat)
4. To notify future property owners, and mitigate potential impacts on agricultural water user facilities, a notification of the easement must be filed with the final plat. (Mitigating Condition)
5. A 30' wide irrigation easement will be placed on each ditch and centered on the centerline of each ditch, is shown on the preliminary plat. (Preliminary Plat)
6. A condition of approval requires that the final plat also show the 30' wide irrigation easement along each of the irrigation ditches. (Mitigating Conditions)
7. An irrigation easement document, addressing unobstructed use and maintenance of the ditches on the property for the benefit of downstream water users, will be made a condition of subdivision approval. (Mitigating Conditions)

#### Conclusion of Law

With Conditions 1 and 12, 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, and potentially significant adverse impacts of the subdivision on agricultural water user facilities will be sufficiently mitigated. (Staff Determination)

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

#### Findings of Fact

##### Fire District

- 1.1 The subdivision is located within the Florence Rural Fire District. (Ravalli County GIS Data)
- 1.2 The Florence Rural Fire District has a station approximately 1.8 miles to the south of the proposed subdivision. (Ravalli County GIS)
- 1.3 The Florence 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 is acceptable.
- 1.4 The applicant states that the primary emergency vehicle access point will be from the subdivision's proposed approach onto Sweeney Creek Loop. The applicant
- 1.5 The applicant plans provide a location for a buried water storage tank to the Florence Rural Fire District. This tank would allow for the District to refill their trucks in efforts to combat any fire dangers to this or any other subdivisions in the area. (Community Impact Report, Summary of Probable Impacts).
- 1.6 The Florence Rural Fire Department provided a letter dated May 24, 2018 that approved the applicants plans for an underground water tank for fire suppression support.
- 1.7 The preliminary plat provided within the subdivision application does not show a location for the Underground water tank nor an easement for its maintenance and access. (Preliminary Plat)
- 1.8 The Ravalli County Planning Department sent notification letters to the Florence Rural Fire District, requesting comments on the proposal, on March 22, 2018; no comments have been received to date. (Subdivision File)

#### School District

- 2.1 With this subdivision, it is estimated that three (3) school-aged children will be added to the Florence-Carlton School District. (Subdivision Questionnaire, Summary of Probable Impacts)
- 2.2 The Ravalli County Planning Department sent notification letters to the Florence-Carlton School District, requesting comments on the proposal, on March 22, 2018; no comments have been received to date. (Subdivision File)
- 2.3 The applicant plans to offer a monetary contribution to the Florence-Carlton School District of \$4,500, to mitigate the effects of the subdivision on the District. (Community Impact Report, Subdivision Questionnaire)
- 2.4 The application states that Sweeney Creek Loop is along a school bus route.

#### Public Safety Services

- 3.1 The Ravalli County Sheriff's Office provides law enforcement services to this area. (Subdivision Questionnaire, Staff Determination)
- 3.2 Notification letters were sent to the Ravalli County Sheriff's Office, requesting comments, on March 22, 2018, no comments have been received to date. (Subdivision File)
- 3.3 The average number of people per household in Ravalli County is 2.7. This subdivision proposal is for residential use, with the potential to add up to 31 residents. (Census 2010 and Staff Determination)
- 3.4 Taxes from new residents and businesses may not be immediately available to law enforcement services, E-911, and Disaster & Emergency Services (DES). There is currently no known available data on the average amount of time between when public safety services begin to serve a new residence/commercial building and when public safety services receive tax money from the residence/business. Because there may be a lag in the time services are provided and taxes are collected, the subdivider must negotiate an adequate form of mitigation with the BCC. (Staff Determination)

#### Emergency Medical Services

- 4.1 Ambulance services will be provided by Marcus Daly Memorial Hospital EMS Department, and Missoula Emergency Services, as an alternative. Marcus Daly Hospital and Missoula Emergency Services were contacted on March 22, 2018; no comments have been received to date. (Subdivision File)
- 4.2 Neither Marcus Daly Memorial Hospital, nor Missoula Emergency Services, are funded by local taxes. (Staff Determination)

#### Roads

- 5.1 This subdivision, at build-out, is expected to generate an additional 72 average daily trips to the road network, based on estimates taken from Trip Generation, 7<sup>th</sup> Edition. This calculation is derived from 8 household trips per day.
- 5.2 The property is accessed by Sweeney Creek Loop, a County-maintained roadway, which in turn accesses U.S. Hwy. 93 N., approximately 0.6 miles east of the property. (Preliminary Plat, Ravalli County GIS, Site Visit)
- 5.3 A preliminary Roadway Approach Permit was issued by the Ravalli County Road and Bridge Department for Mountain Park Road access onto Sweeney Creek Loop. The preliminary permit states that final construction plans for Mountain Park Road need to be submitted, prior to the issuance of a finalized roadway approach permit. (Subdivision Application)

- 5.4 Mountain Park Road and Arete Lane, the subdivision's proposed internal roadways, are required to be improved to paved County standards along its length, as identified on the preliminary plat. (Final Plat Application Requirement 31)
- 5.5 The subdivider has submitted a preliminary Roadway Maintenance Agreement for Mountain Park Road and Arete Lane, which applies to all lots within the subdivision. (Subdivision Application)
- 5.6 The subdivider proposes to pay the Pro-Rata Share of the cost to improve Sweeney Creek Loop to County standards, from the subject property to U.S. Hwy. 93 N. The preliminary pro-rata estimate, as calculated by the Ravalli County Road and Bridge Department (RCRBD), is \$29,309 (Subdivision Application)

#### Water and Wastewater Districts

- 6.1 The subdivision lots are proposed to be connected to individual wells and individual septic systems. (Subdivision Questionnaire)
- 6.2 MDEQ is the reviewing authority for well and septic proposals. (Staff Determination)
- 6.3 The subdivider submitted water and sanitation information per MCA 76-3-622. The Ravalli County Environmental Health Department (RCEHD), contracting with MDEQ, provided documentation indicating that they have received adequate information for local subdivision review to occur. (Subdivision File – RCEHD review checklist)

#### Solid Waste Services

- 7.1 Bitter Root Disposal services the area. (Staff Determination)
- 7.2 Notification letters were sent to Bitter Root Disposal, requesting comments, on March 22, 2018; no comments have been received to date. (Subdivision File)
- 7.3 Bitter Root Disposal is a private service provider, and is not funded by local taxes. (Staff Determination)

#### Postal Service

- 8.1 The United States Postal Service (USPS), through the Florence Post Office, services the area. (Staff Determination)
- 8.2 Notification letters were sent to USPS, requesting comments, on March 22, 2018; no comments have been received to date. (Subdivision File)

#### Utilities

- 9.1 The subdivision property is proposed to be connected to NorthWestern Energy for natural gas service, Missoula Electric Cooperative for electric and CenturyLink Communications for telephone service. (Subdivision Questionnaire, Summary of Probable Impacts)
- 9.2 A 60' public roadway and public utility easement is proposed to envelop Mountain Park Road and Arete Lane. (Preliminary Plat, Summary of Probable Impacts)
- 9.4 Notification letters were sent to CenturyLink Communications, Missoula Electric Cooperative and NorthWestern Energy, requesting comments, on March 22, 2018. Neither agency has offered comments to date. (Subdivision File)
- 9.5 The application states that a no gas lines or voltage lines are within the vicinity of the proposed subdivision. (Community Impact Report, Preliminary Plat)

#### Conclusions of Law

##### Fire District

- 1.1 Because the subject property is located within the Florence Rural Fire District, the proposal complies with RCSR Section 12-9(F)(2). (Staff Determination)
- 1.2 With conditions of approval, potentially significant adverse impacts of the subdivision on the Florence Rural Fire District will be sufficiently mitigated. (Staff Determination)

#### School District

- 2.1 With conditions of approval, potentially significant adverse impacts of the subdivision on the Florence-Carlton School District will be sufficiently mitigated. (Staff Determination, Mitigating Conditions)

#### Public Safety Services

- 3.1 With a condition of approval requiring that the subdivider offer a voluntary contribution to mitigate the effects of the subdivision on public safety services, potentially significant adverse impacts of the subdivision on Public Safety Services will be sufficiently mitigated. (Staff Determination, Mitigating Condition)

#### Emergency Medical Services

- 4.1 With conditions of approval, potentially significant adverse impacts of the subdivision on emergency medical services will be sufficiently mitigated. (Staff Determination, Mitigating Conditions, Final Plat Application Requirement 31, Final Plat Requirement 35)

#### Roads

- 5.1 Based on the lot configurations and each lot's direct access onto Mountain Park Road and Arete Lane, all lots will have legal and physical access. (Staff Determination)
- 5.2 A finalized Roadway Maintenance Agreement, outlining which parties are responsible for maintenance, and under what conditions, will be filed with the final plat. Notification of Mountain Park Road and Arete Lane will be included in the required "Notifications to Future Property Owners" document. (Mitigating Condition, Final Plat Application Requirement 20)
- 5.3 Construction of Mountain Park Road and Arete Lane to be paved to County standards along its length, along with finalized roadway plans approval from RCRBD, as conditions of approval, will ensure that potentially significant adverse impacts associated with vehicular ingress/egress will be sufficiently mitigated. (Staff Determination, Final Plat Application Requirements 18 and 31)
- 5.4 A finalized Roadway Approach and Encroachment Permit, as a condition of approval, will ensure that potentially significant adverse impacts of the subdivision on traffic circulation and the road system will be sufficiently mitigated. (Staff Determination, Final Plat Application Requirement 16)

#### Water and Wastewater Districts

- 6.1 The subdivider has provided necessary information for public review, as required by 76-3-622, MCA. With an MDEQ approval as a condition of subdivision approval, potentially significant adverse impacts to water and wastewater will be sufficiently mitigated. (Staff Determination, Final Plat Application Requirement 11)

#### Solid Waste Services

- 7.1 With Bitter Root Disposal servicing the area, the legal requirement for solid waste disposal is satisfied. (Staff Determination)



#### Postal Service

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

#### Utilities

- 9.1 Adequate utility services (NWE for gas, Missoula Electric Cooperative and CenturyLink for telephone) are available to serve the subdivision, and, therefore, no potentially significant adverse impacts are identified with the delivery of these services. (Staff Determination)
- 9.2 Utility easements must be shown on the final plat. (Final Plat Requirement 25)
- 9.3 The subdivider must submit utility availability certifications, prior to final plat approval. (Final Plat Application Requirement 21)

### **4. CRITERION 4: EFFECTS ON NATURAL ENVIRONMENT**

#### Findings of Fact

##### Surface Water Features

- 1.1 Two surface water features are located on the subdivision property. The Simpson Ditch is located in the NW corner of the property and runs in a North/South direction. The Townsend Ditch runs through the center of the property in a West/East direction. (Preliminary Plat, Ravalli County GIS, Site Visit, Environmental Assessment)
- 1.2 Riparian vegetation, including Ponderosa Pines and grasses, border both irrigation ditches. (Ravalli County GIS, Site Visit)

##### Floodplain

- 2.1 There are no 100-year flood fringe or floodway areas within the subject property boundary. The closest floodplain boundary is approximately 1.94 miles to the east, associated with the Bitterroot River. (Ravalli County GIS, Subdivision Application Questionnaire)

##### Groundwater Quality

- 3.1 The subdivision lots are proposed to be connected to individual wells and individual septic systems. (Subdivision Questionnaire)
- 3.2 MDEQ is the reviewing authority for well and septic proposals. (Staff Determination)
- 3.3 The subdivider submitted water and sanitation information per MCA 76-3-622. The Ravalli County Environmental Health Department (RCEHD), contracting with MDEQ, provided documentation indicating that they have received adequate information for local subdivision review to occur. (Subdivision File – RCEHD review checklist)
- 3.4 A letter was submitted to Planning from MDEQ on March 22, 2018. The letter echoes the need for MDEQ approval of the project, stating: “This proposal may be subject to Sanitation in Subdivisions Act approval for water, wastewater, storm water and solid waste. Please contact the Subdivision Review Program at 406-444-5360 for additional information.”
- 3.5 The application states that stormwater generated on-site will be collected in roadside swales and a retention pond in the southeastern portion of the property, in order to percolate into the ground.
- 3.6 The application states that 37 groundwater monitoring pipes were installed. With recorded groundwater levels of 24” to 78”+, between the months of April and June.

According to the SWPPP, eight tests were failures, six will require Elevated Sand Mounds (ESM). Ravalli County Environmental Health has included in a letter, dated June 26, 2017, that they have preliminary approved the area for standard and ESM systems where required. (Environmental Assessment)

- 3.7 The application states that the subdivision would require 8,922 gallons of water per day.
- 3.8 The Wells show an average depth of 46 feet. (Application Sanitation Report)

#### Air Quality

- 4.1 This proposed subdivision would incorporate 10 lots and 10 total units, of residential use, to an area of existing residential uses, within the community of Florence. (Subdivision Preliminary Plat, Site Visit, Ravalli County GIS)
- 4.2 MDEQ has reviewed the PM2.5 (particulate matter  $\leq$  2.5 micron) data collected in 2007 and incorporated it into the PM2.5 dataset from the previous three years (2004-2006). As part of that analysis, MDEQ 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.
- 4.3 Sources of particulate from this subdivision could include vehicles, wood-burning stoves, and open burning. (Staff Determination)

#### Light Pollution

- 5.1 The incorporation of 10 lots and 10 total units, of residential use, in an area of existing residential uses, has the potential to create light pollution. Sky glow, glare, light trespass into neighbors' homes, and energy waste are some of the components of light pollution. (International Dark-Sky Association)

#### Vegetation

- 6.1 The subdivider submitted a Ravalli County Subdivision Noxious Weed Evaluation Form, in accordance with the element submission requirements of the RCSR. (Subdivision Application – Noxious Weed Evaluation)
- 6.2 The property consists of grasses and small stands of widely-spaced Ponderosa Pine trees. The trees are more densely concentrated around the irrigation ditches. (Site Visit, Ravalli County GIS)
- 6.3 A letter dated August 17, 2017 from Bryce A. Maxell of the Montana Natural Heritage Program (MNHP) identifies a vegetative species of concern, located within the same PLSS Section as the subdivision, as the Stalk-leaved Monkeyflower, a vascular plant. (Subdivision Application – MNHP Report)
- 6.4 In the submitted Summary of Probable Impacts document, the applicant indicates the absence of any “species of concern” as a result of a recent field inspection. The applicant further states that this species prefers more moist environments than that of the subject property, and that the MNHP reports that the most recent sighting was over 24 years ago, in an area covering about 776 acres. (Summary of Probable Impacts)
- 6.5 The Summary of Probable Impacts document does describe the existence of wetlands associated with the two irrigation ditches that run through the property. The Applicant has proposed 30 foot “No Build/No Alteration Zones that generally coincide with the two irrigation ditches.

#### Noise

- 7.1 This proposed subdivision would incorporate 10 lots and 10 total units, of residential use, to an area of existing residential uses, within the community of Florence. (Subdivision Preliminary Plat, Site Visit, Ravalli County GIS)

- 7.2 The subdivision property is located outside of the 65 DNL noise contour, as identified on the current Airport Layout Plan for the Ravalli County airport. (Ravalli County GIS)
- 7.3 Future construction activities on the proposed lots will generate increased noise levels. (Staff Determination)

#### Historical/Archaeological Sites

- 8.1 A letter dated October 12, 2017 from Damon Murdo of the Montana State Historic Preservation Office has not identified any cultural properties in the area. The letter states that as long as there is no disturbance or alteration to structures over 50 years of age, there is a low likelihood that cultural properties will be impacted, and that a cultural resource inventory is unwarranted at this time. (Subdivision Application – SHPO Letter)

#### Conclusions of Law

##### Surface Water Features

- 1.1 Based on the fact that the only surface water feature on the property is the two irrigation ditches on the property. The proposed 30 foot “No Build/No Alteration Zones” that generally follow the two irrigation ditches will adequately protect any surface water features. (Staff Determination)

##### Floodplain

- 2.1 Since there are no 100-year flood fringe or floodway boundaries within, nor in proximity to, the subject property boundary, there are no potentially significant adverse impacts that require mitigation. (Staff Determination)

##### Groundwater Quality

- 3.1 The final RCEHD or MDEQ approval of the subdivision will ensure that potentially significant adverse impacts to groundwater quality are sufficiently mitigated. (Staff Determination and Final Plat Application Requirement 11)

##### Air Quality

- 4.1 With conditions of approval requiring notification to future lot owners of open burning and wood stove restrictions, potentially significant adverse impacts to air quality will be sufficiently mitigated. (Staff Determination, Mitigating Conditions)

##### Light Pollution

- 5.1 With a condition of approval requiring notification to future lot owners of full cut-off lighting recommendations, potentially significant adverse impacts associated with light pollution will be sufficiently mitigated. (Staff Determination, Mitigating Condition)

##### Vegetation

- 6.1 The property’s only vegetation includes native grasses and widely spaced, small stands of Ponderosa Pines, some of which may be removed in the future for building site development. As such, potentially significant adverse impacts to vegetation will be sufficiently mitigated. (Staff Determination)
- 6.2 The impacts associated with weeds will be sufficiently mitigated, with implementation of an approved weed management plan. (Staff Determination, Final Plat Application Requirement 13)

## Noise

- 7.1 Converting vacant land on the proposed lots to residential and commercial development is expected to generate noise consistent with other structural development in the area. No unusual noises are expected to be generated; therefore, no significant adverse impacts are anticipated. (Staff Determination)

## Historical/Archaeological Sites

- 8.1 There are no identified historic or archaeological sites on the property; therefore, there will be no potentially significant adverse impacts to historical or archaeological sites. (Staff Determination)

## 5. **CRITERION 5: EFFECTS ON WILDLIFE**

### Findings of Fact

1. Notification letters were sent to Montana Fish, Wildlife, & Parks (MFWP), requesting comments, on March 22, 2018, no comments have been received to date. (Subdivision File)
2. MFWP's "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. A letter dated August 17, 2017 from MNHP's Bryce A. Maxell identifies the Great Blue Heron, Bald Eagle, Lewis' Woodpecker, Pileated Woodpecker, Westslope Cutthroat Trout, Bull Trout, and Fisher as species' of concern within the same PLSS section as the proposed subdivision. (Subdivision Application-MNHP Report)
4. The applicant indicated the absence of each of the above species on the property, in the Summary of Probable Impacts document, primarily due to the lack of canopy trees and water features on the property. (Summary of Probable Impacts)
5. Planning Staff did not locate these species on April 6, 2018 field visit to the property. (Site Visit)
6. The application indicates that due to the urbanization of the surrounding areas, there are no wildlife located on the property, except for the occasional deer or elk. (Environmental Assessment)

### Conclusion of Law

With the recommended mitigating conditions of approval, potentially significant adverse impacts of the subdivision on wildlife will be sufficiently mitigated. (Staff Determination)

## 6. **CRITERION 6: EFFECTS ON WILDLIFE HABITAT**

### Findings of Fact

1. Notification letters were sent to Montana Fish, Wildlife, & Parks (MFWP), requesting comments, on March 22, 2018; no comments have been received to date. (Subdivision File)
2. MFWP's "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. A letter dated August 17, 2017 from MNHP's Bryce A. Maxell identifies the Great Blue Heron, Bald Eagle, Lewis' Woodpecker, Pileated Woodpecker, Westslope Cutthroat Trout, Bull Trout, and Fisher as species' of concern within the same PLSS section as the proposed subdivision. (Subdivision Application-MNHP Report)

4. The applicant indicated the absence of each of the above species on the property, in the Summary of Probable Impacts document, primarily due to the lack of canopy trees and water features on the property. (Summary of Probable Impacts)
5. Planning Staff did not locate these species on a April 6, 2018 field visit to the property. (Site Visit)
6. The application states that due to the urbanization of the surrounding areas, there are no wildlife, or wildlife habitat, that would be impacted by the proposed subdivision. (Summary of Probable Impacts)

Conclusion of Law

With the recommended mitigating conditions of approval, potentially significant adverse impacts of the subdivision on wildlife habitat will be sufficiently mitigated. (Staff Determination)

**7. CRITERION 7: EFFECTS ON PUBLIC HEALTH & SAFETY**

Findings of Fact

Traffic Safety

- 1.1 The proposed subdivision lots will be accessed by Mountain Park Road and Arete Lane, proposed privately-maintained roadway, which will, in turn, access Sweeney Creek Loop. (Subdivision Preliminary Plat, Subdivision Application, Ravalli County GIS, Site Visit)
- 1.2 A preliminary Roadway Approach Permit was issued by the Ravalli County Road and Bridge Department for Mountain Park Road access onto Sweeney Creek Loop. (Subdivision Application)
- 1.3 The application states that the only health or safety hazard near the proposed subdivision would be the heavy traffic on Sweeney Creek Loop, to the east. (Staff Determination)

Emergency Vehicle Access and Response Time

- 2.1 The proposed subdivision will be served by the Florence Rural Fire District, the Ravalli County Sheriff's Office, Marcus Daly Memorial Hospital EMS Department, and Missoula Emergency Services as an alternative. (Subdivision Application)
- 2.2 Notification letters were sent to the Florence Rural Fire District, Ravalli County Sheriff's Office, Marcus Daly Memorial Hospital EMS Department, and Missoula Emergency Services, requesting comments, on March 22, 2018; no comments have been received to date. (Subdivision File)
- 2.3 The applicant plans to offer an unspecified monetary contribution to the Florence Rural Fire District and Public Safety Services (Sheriff, E-911, DES), to mitigate the effects of the subdivision on those services. (Community Impact Report, Subdivision Questionnaire, Summary of Probable Impacts)

Water and Wastewater

- 3.1 The subdivision lots are proposed to be connected to individual wells individual septic systems. (Subdivision Questionnaire)
- 3.2 MDEQ is the reviewing authority for well and septic proposals. (Staff Determination)
- 3.3 The subdivider submitted water and sanitation information per MCA 76-3-622. The Ravalli County Environmental Health Department (RCEHD), contracting with MDEQ, provided documentation indicating that they have received adequate information for local subdivision review to occur. (Subdivision File – RCEHD review checklist)

#### Natural and Man-Made Hazards

- 4.1 There is a potential for radon in Ravalli County. (MDEQ)
- 4.2 The application states that the only health or safety hazard near the proposed subdivision would be the heavy traffic on U.S. Hwy. 93 N., to the south. (Summary of Probable Impacts)

#### Conclusions of Law

##### Traffic Safety

- 1.1 With conditions of approval, potentially significant adverse impacts associated with traffic safety will be sufficiently mitigated. (Staff Determination, Mitigating Conditions 1 and 10, Final Plat Application Requirements 16 and 31)

##### Emergency Vehicle Access and Response Time

- 2.1 In accordance with Ravalli County Subdivision Regulation Design Standards and Florence Rural Fire District “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)
- 2.2 With conditions of approval, potentially significant adverse impacts on emergency vehicle access and response time will be sufficiently mitigated. (Staff Determination, Mitigating Conditions, Final Plat Application Requirement 31, Final Plat Requirement 35)

##### Water and Wastewater

- 3.1 The final RCEHD or MDEQ approval of the subdivision will ensure that potentially significant adverse impacts associated with water and wastewater provisions are sufficiently mitigated. (Staff Determination and Final Plat Application Requirement 11)

##### Natural and Man-made Hazards

- 4.1 With conditions of approval, potentially significant adverse impacts associated with natural and man-made hazards, including radon exposure and the proposed septic pods, will be sufficiently mitigated. (Staff Determination, Mitigating Condition 1, Final Plat Application Requirement 31)

Delete

Respond

Move

Tags

Editing

Zoom

Barracuda Networks



Thu 3/22/2018 11:15 AM

Cameron, Glen <gcameron@mt.gov>

Mountain Park Estates

To Wade Humphries

Wade -

I have no highway traffic comments or concerns with the proposed 9-lot minor subdivision, Mountain Park Estates. The subdivision is accessing Sweeney Creek Loop which is not an MDT controlled roadway. Highway 93 in this area is a 5-lane facility with a left turn lane into Sweeney Creek Loop.

Thanks for the opportunity to comment.

Glen Cameron

MDT - Missoula

**Exhibit A-1**





FLORENCE RURAL FIRE DISTRICT  
PO BOX 340  
FLORENCE MT 59833  
PHONE: 406-273-2357



May 24, 2018

Ravalli County Planning Department  
215 South 4th Street, Suite F  
Hamilton, MT 59840  
ATTN: Wade Humphries, Planner II

Mr. Humphries,

The Florence Rural Fire District has reviewed the submitted paperwork for the 9 - lot minor subdivision "Mountain Park Estates" located on Sweeney Creek Loop in the Florence area, Ravalli County, MT.

At this time, The Florence Rural Fire District has no current objections or concerns to the initial development of the subdivision, and would accept a \$500.00 fee in - lieu of a water assessment. Upon development of Phase 2 of the sub-division, the fire district may ask for a water easement for a fill site location.

Respectfully,

A handwritten signature in blue ink that reads "Charlie Lambson".

Charlie Lambson

Fire Chief

**Exhibit A-1 (cont.)**



**Florence  
Carlton  
School**

5602 Old Hwy 93  
Florence, MT 59833  
[www.florence.k12.mt.us](http://www.florence.k12.mt.us)

---

Edward "Bud" Scully  
Superintendent  
Ph. (406) 273-6751  
Fax: (406) 273-2802

Audrey Backus  
Principal, Grades 6-12  
HS Ph. (406) 273-6301  
HS Fax (406) 273-2643  
MS Ph. (406) 273-0587  
MS Fax (406) 273-0545

Christine Hulla  
Principal, Grades K-5  
Ph. (406) 273-6741  
Fax (406) 273-0594

May 24, 2018

To whom it may concern:

The Florence-Carlton School District approves an in kind donation/mitigation valued at \$4500 for Mountain Park Estates located in the Florence-Carlton School District.

Sincerely,

Edward "Bud" Scully  
Superintendent

**Exhibit A-1 (cont.)**



Road & Bridge Department  
244 Fairgrounds Road  
Hamilton, MT 59840  
Phone 406-363-2733  
Fax 363-6701

---

OG-18-6-9

June 5, 2018

Wade Humphries  
Ravalli County Planning Department  
215 S 4<sup>th</sup> Street  
Hamilton, MT 59840

RE: MountainPark Estates, Florence, MT.

Dear Mr. Humphries,

Please see attached letter from Territorial Landworks date June 4, 2018. Please note that they are recommending a letter from the ditch company regarding drainage issues.

There are also pro rata road fees associated with this subdivision. Also, a preliminary approach permit was issued for this subdivision.

Prior to beginning road construction, final plans and specifications should be submitted for review and approved by the County's engineering consultant.

Based upon the above, the Road and Bridge Department recommends approval of the preliminary plans and specifications.

Please give me a call if you have any questions.

Sincerely,

John C. Horat, PE  
Administrator

cc: Correspondence File-General  
Jeff Standert, Professional Consultants

**Exhibit A-1 (cont.)**