CLAM FORK (CLAM FORK, LLC)
REVOCATION OF AGRICULTURAL COVENANT
ONE-LOT RESIDENTIAL DEVELOPMENT

STAFF REPORT FOR BOARD OF COUNTY COMMISSIONERS

CASE PLANNER: John Lavey JL

REVIEWED/ APPROVED BY: Renee Lemon

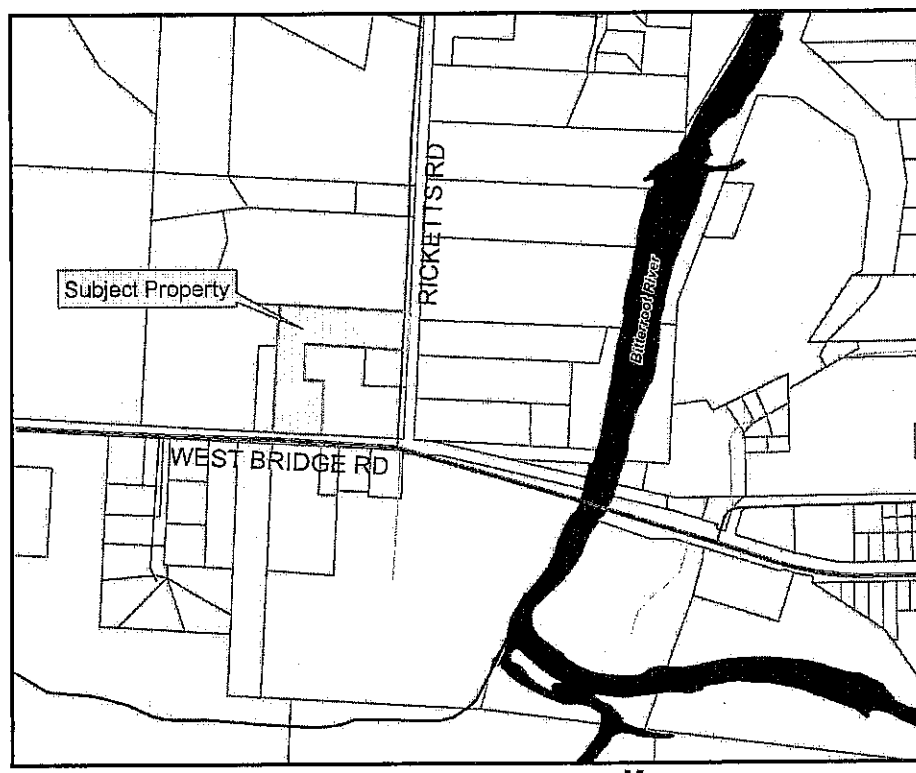
PUBLIC HEARINGS/ MEETINGS:

BCC Public Meeting:	9:00 a.m. July 10, 2008
Deadline for BCC action (35 working days):	July 28, 2008

DEVELOPER/OWNER: Clam Fork, LLC
492 Paradise Trail
Hamilton, MT 59840

REPRESENTATIVE: Bitterroot Engineering and Design, Inc
John Horat
1180 Eastside Highway
Corvallis, MT 59828

LOCATION OF REQUEST: The property is located east of Hamilton off West Bridge Road. *(See Map 1)*



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

LEGAL DESCRIPTION OF PROPERTY: Parcel B of COS# 600774, located in Section 26, T6N, R21W, P.M.M., Ravalli County, Montana.

APPLICATION INFORMATION: The application was determined complete on June 6, 2008. Agencies were notified of the application on May 5, 2008 and June 6, 2008 and comments received by the Planning Department not included in the application packet are Exhibits A-1 through A-11 of the staff report. **This application is being reviewed under the development regulations amended May 24, 2007.**

LEGAL NOTIFICATION: Notice of the project was posted on the property and adjacent property owners were notified by regular mail postmarked June 6, 2008. One public comment has been received and is included as Exhibit B-1.

DEVELOPMENT PATTERN:

Subject property	Vacant
North	Vacant rural
South	Residential rural
East	Residential rural
West	Vacant rural

INTRODUCTION

Currently, residential uses are precluded on the parcel because an agricultural covenant, placed on the property in 1980, allows only agricultural activities. The applicant is proposing to remove the agricultural restriction to build one residential home. Section 3-6 of the Ravalli County Subdivision Regulations require that development review occur when an individual proposes to lift an agricultural covenant from a property. Instead of filing a final plat, if the proposal is approved, the applicant will need to file a Certificate of Survey showing that the agricultural covenant has been lifted. Access to this property is via West Bridge Road and Ricketts Road.

Staff recommends conditional approval of the proposal.

RAVALLI COUNTY BOARD OF COUNTY COMMISSIONERS
JULY 10, 2008

CLAM FORK REVOCATION OF AGRICULTURAL COVENANT
ONE-LOT RESIDENTIAL DEVELOPMENT

RECOMMENDED MOTION

That the Clam Fork Revocation of Agricultural Covenant be ***approved***, based on the findings of fact and conclusions of law in the staff report and subject to the conditions in the staff report.

RECOMMENDED MITIGATING CONDITIONS OF APPROVAL

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

   Notification of Proximity to Agricultural Operations. This development may be located near existing agricultural activities. Some may find activities associated with normal agricultural activities objectionable and dangerous. *(Section 3-2-8(b)(v)(B), RCSR, Effects on Agriculture)*

   Notification of Severe Soils. Within this subdivision there are areas of the property identified as potentially having soils rated as severe for road construction and building sites. The approximate locations of these areas can be found on a reduced copy of the final plan and descriptions of the severe soils in question are included as exhibits to this document [*the applicant shall include the reduced plan and exhibits as attachments*]. *(Section 3-2-8(b)(v)(B), RCSR, Effects on Public Health and Safety)*

   Notification of Irrigation Facilities and Easements. Within this development there are irrigation ditches, as shown on the final plan. 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 a ditch, interferes with its operation or maintenance in any way, or restricts access to the ditch so as to interfere with its maintenance, which includes but is not limited to the placement of structures or the planting of vegetation other than grass, is expressly prohibited. *(Section 3-2-8(a) and Section 3-2-8(b)(v)(B), RCSR, Effects on Agricultural Water User Facilities)*

   Notification of Water Rights. This property has the right to take water from the irrigation ditches on the property. Residents should consult with the Montana Department of Natural Resources for questions on water rights. *(Section 3-2-8(b)(v)(B), RCSR, Effects of Agricultural Water User Facilities)*

   Notification of Irrigation Facilities and Easement. Within this subdivision there are irrigation easements, as shown on the final plan. 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 a ditch, interferes with its operation or maintenance in any way, or restricts access to the ditch so as to interfere with its maintenance, which includes but is not limited to the placement of structures or the planting of vegetation other than grass, is expressly prohibited. *(Section 3-2-8(a) and Section 3-2-8(b)(v)(B), RCSR, Impacts on Agricultural Water User Facilities)*

Notification of No-Build/Alteration Zone. Within this development there is a no-build/alteration zone, as shown on the final plan. No new structure may be constructed in this area. No new utilities may be constructed in this area. Roads, trails, and utility crossings through this area are not permitted. Activities directly associated with the maintenance of the irrigation ditches, such as noxious weed control and clearing vegetation within the ditches, are allowed. *(Section 3-2-8(b)(v)(B), RCSR, Effects on Natural Environment and Wildlife & Wildlife Habitat)*

2. Protective covenants for this development shall be submitted with the final plan and filed with the Revocation of Agricultural Covenant that include the following provisions:

   Limitation of Access onto a Public Road. "No-ingress/egress" restrictions exist along the Westbridge Road and Ricketts Road frontages of this development, excepting the approved approaches to the property from Westbridge Road and Ricketts Road. This property must use only the approved approaches. Locations of the no-ingress/egress restrictions can be found on the final plan. [*The applicant shall provide a reduced copy of the final plan showing the no-ingress/egress zones.*] This limitation of access may be lifted or amended only with the approval of the Board of Ravalli County Commissioners. *(Section 3-2-8(b)(v)(B), RCSR, Effects on Local Services and Public Health and Safety)*

   Waiver of Protest to Creation of RSID/SID. Owners and their successors-in-interest waive all rights in perpetuity to protest the creation of a city/rural improvement district for any purpose allowed by law, including, but not limited to, a community water system, a community wastewater treatment system, and improving and/or maintaining the roads that access the development, including related right-of-way, drainage structures, and traffic control signs. *(Section 3-2-8(b)(v)(B), RCSR, Effects on Local Services)*

   Living with Wildlife. Homeowners 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, pet food, livestock feed and other potential attractants. Homeowners must be aware of potential problems associated with the presence of wildlife such as white-tailed deer, mule deer, black bear, mountain lion, coyote, fox, skunk, raccoon, and magpie. Please contact the Montana Fish, Wildlife & Parks office in Missoula (3201 Spurgin Road, Missoula, MT 59804) for brochures that can help homeowners "live with wildlife." Alternatively, see FWP's web site at www.fwp.mt.gov.

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

   a. Homeowners must be aware of the potential for **vegetation damage by wildlife,** particularly from deer feeding on green lawns, gardens, flowers, ornamental shrubs and trees in this development. Homeowners 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** must be stored in secure animal-resistant containers or indoors to avoid attracting animals such as raccoon, black bear, and other wildlife. 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 (including salt blocks), attractants, or bait for deer, sheep 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 (MCA 87-3-130) to purposely or knowingly attract bears 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, homeowners must be aware that deer can attract mountain lions to the 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 must: 1) be suspended a minimum of 20 feet above ground level, 2) be at least 4 feet from any support poles or points, and 3) 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 confined to the house, in a fenced yard, or in an outdoor kennel area when not under the direct control of the owner, and not be allowed to roam as they can chase and kill big game and small birds and mammals. Keeping pets confined also helps protect them from predatory wildlife. Under current state law it is illegal for dogs to chase hoofed game animals and the owner may also be held guilty (MCA 87-3-124).

h. **Pet food and livestock feed** must be stored indoors, in closed sheds or in bear-resistant containers in order to avoid attracting wildlife such bears, mountain lion, skunk, and raccoon. **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 home.

i. **Barbecue grills** should be stored indoors. Permanent outdoor barbecues grills are not allowed in this development. 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) and no lower than 18 inches (at the bottom rail) in order to facilitate wildlife movement. Barbed wire fences are not allowed in this development, and this should avoid animals such as deer and/or elk becoming entangled in the wire or injuring themselves when trying to jump the fence.

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.)

l. **Apiaries (bee hives)** could attract bears in this area and should be avoided. (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. Residents of this development must recognize that the development is located within one-half of mile from the Bitterroot River and its associated sloughs and wetlands, where lawful waterfowl hunting and the associated **discharge of shotguns** could occur from a half-hour before sunrise through sunset, and the season can run from September into January.

n. These wildlife covenants cannot be changed or eliminated without the concurrence of the governing body (Ravalli County Commissioners).

Riparian use Provisions. Putnam Gulch flows generally west to east through the northern portion of this lot. On each side of this drainage are riparian areas, which are collectively depicted as a "no-build/alteration zone" on the final plan. The 20-foot wide irrigation easement shall not be included in the no-build/alteration zone. Within this zone, encouraging the development of site-appropriate native vegetation (including shrubs and trees)--while *discouraging* actions such as grading, planting and irrigating lawns, mowing or cutting or clearing vegetation (except for the maintenance of irrigation ditches), and livestock grazing--would help preserve the functionality of this natural drainage, protect and improve wetland vegetation, enhance slope stability, and protect property from eroding banks and possible flooding.

The following covenants, designed to guide use of this zone, shall apply:

a. No new building or alteration is allowed in the zone.

b. Only non-motorized access and use of the buffer zone is allowed (except for certain maintenance needs such as weed spraying and irrigation maintenance/repair).

c. Do not cut or remove live or dead vegetation, particularly shrubs and trees from the zone. Wood (i.e., fallen branches, downed trees) is an important part of habitat and contributes significantly to overall slope stability, and dead trees function as important wildlife nesting habitat. Exception: proper use of chemicals or other methods of control (other than mowing) for noxious weeds is allowed, direct maintenance/repair of the irrigation ditches is allowed, and planting appropriate native riparian vegetation (trees, shrubs) is allowed.

d. Do not plant lawns or crops in the buffer zone. Leave or plant native vegetation as ground cover as this avoids the use of fertilizers that contribute to water quality problems.

e. If planting is planned for this area, the goal should be to re-establish native plant species appropriate to the site.

f. In general, keep livestock out of the natural drainage, and do not include the drainage in corrals. Use fences to keep livestock from trampling and grazing riparian vegetation in the buffer zone.

g. In summary, allow riparian areas--the drainage channel and no-build/alteration zone--to remain undisturbed. Do not modify them unless such change would help return the area to a natural state.

h. These riparian covenants cannot be altered or eliminated without consent of the governing body (Ravalli County Commissioners).

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 development. A full cut-off fixture means a fixture, as installed, that is designed or shielded in such a manner that all light rays emitted by the fixture, either directly from the lamps or indirectly from the fixture, are projected below a horizontal plane through the lowest point on the fixture where light is emitted. The source of light should be fully shielded on the top and sides, so as not to emit light upwards or sideways, but only allowing light to shine down towards the subject that is to be lighted. For more information, visit www.darksky.org. *(Section 3-2-8(b)(v)(B), RCSR, Effects on Natural Environment, Wildlife and Wildlife Habitat, and Public Health and Safety)*

Radon Exposure. The owner understands and accepts the potential health risk from radon concentrations, which are presently undetermined at this location. Unacceptable levels of radon can be reduced through building design and abatement techniques incorporated into structures. Property owners are encouraged to have their structures tested for radon. Contact the Ravalli County Environmental Health Department for further information. *(Section 3-2-8(b)(v)(B), RCSR, Effects on Public Health & Safety)*

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

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

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

Building Standards. The All Valley Fire Council recommends that the home within this development be built to International Residential Building Code (IRBC) building standards. It is recommended that any commercial buildings be constructed to meet state building code requirements. *(Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health & Safety)*

Wood Stoves. The County recommends that home owners refrain from installing wood stoves if possible. The County further recommends that wood and other biomass burning stoves not be used as the primary heat source. If a homeowner chooses to burn wood as a back-up heat source, the County strongly encourages them to install an EPA-certified wood stove as the best option to reduce air pollution and more specifically, to install an EPA-certified pellet stove. More information on low emission, EPA-certified wood stoves is available at http://www.epa.gov/woodstoves/index.html. The State of Montana offers an Alternative Energy Systems Tax Credit to offset the cost of purchasing and installing a low emission wood or biomass combustion device such as a pellet or wood stove. Besides the tax credit for

qualifying wood stoves, individual Montana residents can claim a tax credit for energy conservation investments made to a home or other building. For more information on the energy conservation tax credits and ways to save energy, please see the *Warm Hearts, Warm Homes* webpage (http://deq.mt.gov/Energy/warmhomes/index.asp) on the Montana Department of Environmental Quality's website. *(Section 3-2-8(b)(v)(B), RCSR, Effects on the Natural Environment)*

Archeological Resources. If any archaeological, historic, or paleontological sites are discovered during road, utility, or building construction, all work will cease and the State Historic Preservation Office shall be contacted to determine if the find constitutes a cultural resource and if any mitigation or curation is appropriate. *(Section 3-2-8(b)(v), RCSR, Effects on Natural Environment)*

Amendment. Written governing body approval shall be required for amendments to provisions of the covenants that were required to be included as a condition of development approval. *(Effects on all six criteria)*

3. The developer shall include an RSID/SID waiver in a notarized document filed with the Revocation of Agricultural Covenant that states the following: Owners and their successors-in-interest waive all rights in perpetuity to protest the creation of a city/rural improvement district for any purpose allowed by law, including, but not limited to a community water system, a community wastewater treatment system, and improving and/or maintaining the roads that access the development including related right-of-way, drainage structures, and traffic control signs. *(Section 3-2-8(b)(v)(B), RCSR, Effects on Local Services)*

4. The developer shall provide evidence with the final plan submittal that they have applied for a County-issued address for the lot, or provide evidence that a County-issued address already exists for the subject property. *(Section 3-2-8(b)(v)(B), RCSR, Effects on Local Services and Public Health & Safety)*

5. Prior to final plan approval, the developer shall provide a letter from the Hamilton Rural Fire District stating that the developers have provided the required 1,000 gallon-per-minute water supply or 2,500 gallon-per-lot water storage for fire protection for all lots. Alternatively, the developers may provide evidence that a $500 per lot contribution has been submitted to the Hamilton Rural Fire District with the final plan submittal in lieu of the required water supply or water storage for fire protection. *(Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health & Safety)*

6. The following statement shall be shown on the final plan: "The All Valley Fire Council, which includes the Hamilton Rural Fire District, has adopted the Fire Protection Standards. All accesses, including driveways to residences over 150' in length, must have a minimum unobstructed travel surface width of 22', a vertical clearance of 13'6" and an all-weather surface that can accommodate the weight of a fire truck. Please contact the Hamilton Rural Fire District for further information". *(Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health & Safety)*

7. The final plan shall show no-ingress/egress zones along the Westbridge Road and Ricketts Road frontages of the project, excepting the approved approaches to Westbridge Road and Ricketts Road, as approved by the Ravalli County Road and Bridge Department. *(Section 3-2-8(b)(v)(B), RCSR, Effects on Local Services and Public Health & Safety)*

8. The developer shall submit a one-time (amount) contribution to the Ravalli County Treasurer's Office to be deposited into an account for Public Safety Services (Sheriff, E-911, DES) prior to

final plan approval. (*Section 3-2-8(b)(v)(B), RCSR, Effects on Local Services and Public Health & Safety*)

9. The developer shall submit a letter or receipt from the Hamilton School District stating that they have received a one-time (amount) contribution prior to final plan approval. *(Section 3-2-8(b)(v)(B), RCSR, Effects on Local Services)*

10. Prior to final plan approval, the applicant shall submit a recorded document providing for a 10-foot wide utility easement centered on the existing gas line and meter and a 15-foot wide easement for the overhead power line in the eastern portion of the property. These easements shall be shown on the final plan. *(Section 3-2-8(b)(v)(B), RCSR, Effects on Local Services)*

11. The final plan shall show the no-build zone as shown on the preliminary plan. It shall be labeled as "Putnam Gulch" and designated a no-build/alteration zone. The 20-foot wide irrigation easement shall not be included in the no-build/alteration zone. *(Section 3-2-8(b)(v)(B), RCSR, Effects on Natural Environment, Wildlife and Wildlife Habitat, and Public Health & Safety)*

12. The apron of the existing approach to Westbridge Road shall be paved prior to final plan approval. (*Section 3-2-8(b)(v)(B), RCSR, Effects on Local Services)*

13. Prior to final plan approval, the applicant shall submit a recorded document providing for a 20-foot wide irrigation easement centered on the irrigation ditches in the northern portion of the property. The easement shall be shown on the final plan. (*Section 3-2-8(b)(v)(B), RCSR, Effects on Agricultural Water User Facilities)*

14. Prior to final plan approval, a contribution of $500 shall be deposited into an account for the Open Lands Bond Program. *(Section 3-2-8(b)(v), RCSR, Effects on Agriculture)*

FINAL PLAT REQUIREMENTS (RAVALLI COUNTY SUBDIVISION REGULATIONS)

The following items shall be included in the final plat submittal, as required by the Ravalli County Subdivision Regulations, Section 3-4-4(a) et seq. and Section 3-6.

1. A statement from the project surveyor or engineer prior to final plan approval outlining how each final plan requirement or condition of approval has been satisfied.
2. One paper copy of the final plan, with the following features:
    a. Project name
    b. Title block
    c. North arrow
    d. Graphic scale
    e. Legal description
    f. Property boundaries (bearings, lengths, curve data)
    g. Pertinent section corners and development corners
    h. Names of adjoining developments/certificates of survey
    i. Monuments found
    j. Witness monuments
    k. Acreage of subject parcel
    l. Curve data (radius, arc length, notation of non-tangent curves)
    m. Line data (lengths to tenths of a foot, angles/bearings to nearest minute)
    n. Lots and blocks designated by number (dimensions/acreage)
    o. Easements/rights of ways (location, width, purpose, ownership)
    p. Water resources (rivers, ponds, etc.)
    q. Irrigation canals including diversion point(s), etc.

r. High-pressure gas lines
s. Existing and new roads (names, ownership, etc.)
t. Existing and proposed utility, irrigation, and drainage easements, as shown on the preliminary plat, shall be shown on the final plat.
u. No ingress/egress zones along Westbridge Road and Ricketts Road, excepting the approved approaches off those roads.
v. No-build/alteration zone, as shown on the preliminary plat, shall be shown on the final plat.
w. A 10-foot wide easement centered on the existing gas line and meter shall be shown on the final plat.
x. A 20-foot wide irrigation easement centered on the irrigation ditches in the northern portion of the property.
y. Putnam Gulch shall be labeled on the final plat.

3. The original copy of the decision on the Revocation of Agricultural Covenant shall be submitted with the final plat submittal.
4. Any variance decisions shall be submitted with the final plat submittal.
5. Copies of extensions of the preliminary plan approval period shall be submitted with the final plan submittal.
6. The final plan review fee shall be submitted with the final plan submittal.
7. Consent to Plat form, including notarized signatures of all owners of interest, if the developer is not the underlying title holder, shall be submitted with the final plan submittal.
8. A Title Report or updated Abstract dated no less than one (1) year prior to the date of submittal shall be submitted with the final plan submittal.
9. The DEQ Certificate of Development Approval or RCEH approval shall be submitted with the final plan submittal.
10. Copy of the General Discharge Permit for Stormwater Associated with Construction Activity from the DEQ shall be submitted with the final plan submittal.
11. The approved Ground Disturbance and Noxious Weed Management Plan for the control of noxious weeds and the re-vegetation of all soils disturbed within the development shall be submitted with the final plan submittal.
12. Road and Driveway approach and encroachment permits from RCRBD and/or MDOT as appropriate.
13. Utility availability certification(s) shall be submitted with the final plan submittal.
14. A notarized statement from each downstream water user specifically authorizing any alteration, such as installation of culverts, bridges, etc., or relocation of an irrigation ditch.
15. Protective covenants to be filed with the final plan that are signed and notarized shall be submitted with the final plan submittal.
16. Copies of permits issued by the Bitterroot Conservation District or the US Army Corps of Engineers when construction occurs on environmentally sensitive features shall be submitted with the final plan submittal.
17. A copy of the letter sent to the Hamilton School District stating the applicant has made or is not willing to make a voluntary contribution to the school district to mitigate impacts of the development on the school district that are not related to capital facilities; shall be submitted with the final plan submittal.
18. Evidence that improvements have been made in accordance with the conditions of approval and requirements of final plan approval and certified by the developer, Professional Engineer, or contractor, as may be appropriate and required. A Professional Engineer's certification shall be required in any instance where engineered plans are required for the improvement. Alternatively, an improvements agreement and guaranty shall be required. (Refer to Section 3-4-2).
    a) Specific infrastructure improvements required for this development include the paving of the apron of the existing gravel approach to Westbridge Road.
19. A Revocation of Agricultural Covenant document shall be submitted with the final plan submittal. *(Staff Note: Please contact the Planning Department for a sample document.)*

20. A Certificate of Survey showing the revocation of the agricultural covenant shall be submitted with the final plan submittal.

COMPLIANCE WITH PREREQUISITES TO APPROVAL

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

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

Findings of Fact

1. Existing utilities are located along the Westbridge Road and Ricketts Road frontages of the development. (Clam Fork Agricultural Revocation File)
2. Existing overhead power lines are located in the southern portion of the property. The preliminary plat shows an existing 20-foot wide utility easement on the western line and the applicant is proposing a 15-foot wide easement for the eastern line. (Clam Fork Agricultural Revocation File)
3. An existing gas line and meter is located on the southern portion of the lot, but there do not appear to be any easements associated with them.
4. The preliminary plan shows that a lateral line from an existing septic tank drainfield from an adjoining property is located in the southwestern portion of the property. In an email received June 13, 2008, the applicant's representative states that an easement for the neighbor's drainfield will be provided on the subject property, until the adjoining property owner moves the location of the drainfield. (Exhibit A-1)
5. *Since a preliminary plat will not be filed with this subdivision, the applicant shall submit recorded easements for the 10-foot wide easement centered on the gas line and meter, and the 15-foot wide easement centered on the overhead power line in the eastern portion of the property. (Condition 10)*

Conclusion of Law

The proposed development application provides for utility easements.

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

Findings of Fact

1. The subject property gains legal and physical access from Westbridge Road and Ricketts Road. (Clam Fork Agricultural Revocation File)
2. *The covenants shall limit access through no-ingress/egress zones along the Westbridge Road and Ricketts Road frontages of the development. Approved accesses shall not be included in the no-ingress/egress zones. The no-ingress/egress zones shall be shown on the final plan attached to the covenants. (Conditions 2 and 7)*

Conclusion of Law

Legal and physical access will be provided on Westbridge Road and Ricketts Road.

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

Findings of Fact

1. There are two existing approaches to the subject property, one off Ricketts Road and one off Westbridge Road. (Clam Fork Agricultural Revocation File)
2. Westbridge Road and Ricketts Road are both paved. While the existing approach to Ricketts Road from the subject property is paved, the existing approach to Westbridge Road from the subject property is gravel. (Clam Fork Agricultural Revocation File)
    a. Specific infrastructure improvements required for this development include the paving of the apron of the existing gravel approach to Westbridge Road. *(Condition 12 and Final Plat Requirement 18)*

Conclusion of Law

The final plan requirements or an improvements agreement and guaranty will ensure that all improvements are installed.

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

Findings of Fact

1. 76-3-504(1)(j), MCA states that when a development creates parcels with lot sizes averaging less than 5 acres, the developer is required to:
   (i) reserve all or a portion of the appropriation water rights owned by the owner of the land to be subdivided and transfer the water rights to a single entity for use by landowners within the development who have a legal right to the water and reserve and sever any remaining surface water rights from the land;
   (ii) if the land to be subdivided is subject to a contract or interest in a public or private entity formed to provide the use of a water right on the development 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 development who have a legal right and access to the water; or
   (iii) reserve and sever all surface water rights from the land.
2. No lots will be created with this proposal. (Clam Fork Agricultural Revocation File)
3. The applicant is reserving all of the water rights. (Clam Fork Agricultural Revocation File)
4. The development has the following water right:
   (a) DNRC right 76H 147617 00, which appropriates 112.2 gallons per minute (GPM) from Canyon Creek.
5. *Condition 1 notifies individual lot owners of the right to take water from the irrigation ditches within the property.*

Conclusion of Law

With the requirements of final plan approval and the mitigating conditions of approval, this prerequisite has been met.

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

Findings of Fact

1. 76-3-504(1)(k) MCA states that, except as provided in subsection (1)(k)(ii) (the proposal does not meet the criteria in this subsection), the developer is required to establish ditch easements in the development that:
   (a) 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 development lots;
   (b) are a sufficient distance from the centerline of the ditch to allow for construction, repair, maintenance, and inspection of the ditch; and
   (c) 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 preliminary plat shows that existing irrigation ditches traverse the northern portion of the property, but there do not appear to be any associated easements. Clam Fork Agricultural Revocation File)

3. The placement of structures or the planting of vegetation other than grass within the irrigation easement is prohibited. (76-3-504(1)(k) MCA).
4. *To ensure that the provisions of 76-3-504(1)(k) MCA are met, the following requirement and condition shall be met prior to final plat approval:*
   - *The applicant shall submit a recorded document providing for a 20-foot wide irrigation easement centered on the irrigation ditches in the northern portion of the property. (Condition 13)*
   - *A notification that the placement of structures or the planting of vegetation other than grass is prohibited without the written permission of the ditch owner shall be included in the notifications document. (Condition 1)*

Conclusion of Law

With the requirement and condition of final plan approval, this prerequisite will be met.

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

Finding of Fact

No new lots will be created with the lifting of this agricultural covenant. (Clam Fork Agricultural Revocation File)

Conclusion of Law

This prerequisite is not applicable.

G. Overall Conclusion on Prerequisite Requirements

With the conditions and requirements of final plan approval, there is credible evidence that the development application meets the prerequisite requirements.

COMPLIANCE WITH APPLICABLE REGULATIONS

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

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

Findings of Fact

1. If a property owner wants to remove an agricultural covenant, the owner shall comply with RCSR Chapters 1, 2, 3, 5 and 8 as they pertain to first minor subdivisions prior to filing a written agricultural covenant revocation with a Certificate of Survey, upon which the revocation is recited. (RCSR Section 3-6)
2. This development plan proposal has followed the necessary application procedures and has been reviewed within the procedures provided in Chapters 1, 2, 3 and 5 of the Ravalli County Subdivision Regulations. Because no variances are requested, Chapter 8 does not apply. (Staff Determination)

Conclusion of Law

The procedures for the application and review of this proposed development as outlined in Chapters 1,2, 3, and 5 of the RCSR, have been followed.

B. Applicable zoning regulations.

Findings of Fact

1. The subject property is under the jurisdiction of the interim zoning regulation limiting residential subdivisions to a density of one dwelling per two acres. (Resolution 2193)
2. The proposal to revoke the agricultural covenant will not result in the creation of any new lots. (Staff Determination)

3. The property is located within the Ricketts Road Voluntary Zoning District. The boundaries for the district have been adopted by the Commissioners, but there are no regulations yet associated with the district. (Clam Fork Agricultural Revocation File)

Conclusion of Law

This proposal complies with existing zoning regulations.

C. Existing covenants and/or deed restrictions.

Finding of Fact

1. The property is currently subject to an agricultural covenant. The covenant states that the subject property shall be used "exclusively for agricultural purposes" and that the covenant may only be removed by the mutual consent of the property owner and the Ravalli County Board of Commissioners. (Clam Fork Agricultural Revocation File, document file # 155755, and COS# 600774)
2. There are no other covenants or deed restrictions on the property. (Clam Fork Agricultural Revocation File)

Conclusion of Law

With the revocation of the agricultural covenant, no existing covenants or deed restrictions will apply.

D. Other applicable regulations.

Findings of Fact

1. Following are applicable regulations:
   - Montana Development and Platting Act, Title 76, Chapter 3, MCA
   - Montana Sanitation in Developments Act, Title 76, Chapter 4, MCA
   - Ravalli County Subsurface Wastewater Treatment and Disposal Regulations
   - Montana Standards for Development Storm Drainage (DEQ Circular 8)
   - Applicable laws and policies requiring permits related to development (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. Prior to final plan approval, the applicants are required to submit permits and evidence that they have met applicable regulations. (Section 3-4-4(a), RCSR)

Conclusion of Law

With the requirements of final plan approval, the application will meet all of the applicable regulations.

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

CRITERION 1: EFFECTS ON AGRICULTURE

Findings of Fact:

1. The proposed agricultural revocation on 5.14 acres will result in the ability to construct one residence on the property. The application states that the residence will be constructed in the southern portion of the property abutting Westbridge Road to make use of the existing utilities in the area. (Clam Fork Agricultural Revocation File)
2. The property is located approximately 1/2 mile west of the City of Hamilton off Westbridge Road. (Clam Fork Agricultural Revocation File)
3. The property is adjacent to other agricultural properties. (Clam Fork Agricultural Revocation File)
4. The property is currently being used as pasture. (Clam Fork Agricultural Revocation File)

5. The majority of the property has updated soils information from the Web Soil Survey. However, roughly the area shown on the plat as a "No-Build Zone" is shown as being "NOTCOM" (or 'not completed'). These soils are mapped on the 1959 *Special Soil Interpretations Report*. Refer to preliminary plat application for reference maps. (Web Soil Survey, U.S. Department of Agriculture, Natural Resources Conservation Service (NRCS), and *Special Soil Interpretations Report*, published May 1959, Soil Conservation Service (NRCS))
6. The US Department of Agriculture, Soil Conservation Service's "Special Soil Interpretations Report", states that there no prime farmland soils or farmland of statewide importance on the property. (*Special Soil Interpretations Report*, published May 1959, Soil Conservation Service (NRCS))
7. According to the Web Soil Survey for Ravalli County, there are no prime farmland soils or farmland of statewide importance on the property. (Clam Fork Agricultural Revocation File and Web Soil Survey, U.S. Department of Agriculture, Natural Resources Conservation Service (NRCS))
8. The applicants submitted a Ravalli County Development Noxious Weed Evaluation Form that stated Spotted Knapweed, Houndstongue, Tall Buttercup, and St. Johnswort were scattered on the property. The plan has been approved by the Weed Board. (Clam Fork Agricultural Revocation File)
9. RCSR Section 3-4-5(b)(vi) requires that the plan is filed with the final plat. According to MCA 7-22-2152, any person proposing a development that needs state or local approval and that results in the potential for noxious weed infestation with in a weed district shall notify the weed board at least 15 days prior to activity. Consequently, 15 days prior to activities requiring a revegetation plan, such as road construction, the plan shall be submitted to the weed board for approval by the board. (Clam Fork Agricultural Revocation File)
10. The applicant is proposing to contribute $500 to the Open Lands Bond Program prior to final plat approval. (Clam Fork Agricultural Revocation File)
11. *Following are conditions and requirements of final plat approval that will help mitigate the impacts of the development on agriculture:*
    - *A notification of proximity to agricultural operations shall be included in the notifications document filed with the Revocation of Agricultural Covenant. The protective covenants, also filed with the Revocation of Agricultural Covenant, shall include a provision requiring homeowners to keep pets confined to the house, a fenced yard, or in an outdoor kennel. (Conditions 1 and 2)*
    - *The approved Ground Disturbance and Noxious Weed Management Plan is required to be submitted prior to final plan approval. (Final Plat Requirement 11)*
    - *A noxious weed control provision shall be included in the protective covenants filed with the final plat for this development. (Condition 2)*
    - *Prior to final plat approval, the applicant shall deposit $500 into a County account for the Open Lands Bonds Program. (Condition 14)*

Conclusion of Law:

With the mitigating conditions of approval and requirements of final plan approval, impacts of the development on agriculture will be reduced.

CRITERION 2: EFFECTS ON AGRICULTURAL WATER USER FACILITIES

Finding of Fact

1. There is one water right associated with this property. DNRC right 76H 147617 00, which appropriates 112.2 gallons per minute (GPM) from Canyon Creek. (Clam Fork Agricultural Revocation File)
2. Because no new lots will be created with the lifting of the agricultural covenant, the rights will be retained with the property. (Clam Fork Agricultural Revocation File)
3. A ditch travels from Canyon Creek to deliver water to the property. There are downstream water users. (Clam Fork Agricultural Revocation File)

4. The applicant is proposing a variable width no-build zone along the length of the ditches as they traverse the property to protect any associated wetlands. The application states that access to the ditches for livestock and irrigation purposes will be allowed. (Clam Fork Agricultural Revocation File)
5. *The following conditions and final plat requirements will held mitigate the impacts of the development on agricultural water user facilities:*
   - *A notification of water rights shall be included in the notifications document filed with the Revocation of Agricultural Covenant. (Condition 1)*
   - *A notification of irrigation facilities and easements shall be included in the notification document. (Condition 1)*
   - *The 20-foot irrigation easement shall be shown on the final plan, and the applicant shall submit a recorded document providing for a 20-foot wide irrigation easement centered on the irrigation ditches in the northern portion of the property . (Condition 13)*
   - *Prior to final plan approval, the applicant shall submit a recorded document providing for a 20-foot wide irrigation easement centered on the irrigation ditches in the northern portion of the property. (Condition 13)*
   - *The signature of any downstream water users is required when alteration to an irrigation ditch is proposed. (Final Plan Requirement 14)*

Conclusion of Law:

With the mitigating conditions of approval and requirements of final plan approval, there will be minimal impacts on agricultural water user facilities.

CRITERION 3: EFFECTS ON LOCAL SERVICES

Findings of Fact:

General

1. According to the application, a single-family residential trailer was placed on the subject property in 1978. (Clam Fork Agricultural Revocation File)
2. The agricultural covenant was placed on the property on June 11, 1980. (Clam Fork Agricultural Revocation File)
3. The trailer was removed from the property in late 2007. There are currently no structures on the property. (Clam Fork Agricultural Revocation File and Site Visit)
4. The property is currently taxed as "residential rural". (Montana Cadastral Database created by Montana Department of Administration, Information Technology Services Division, Geographic Information Services)

Fire Department

5. The development is located within the Hamilton Rural Fire District. (Clam Fork Agricultural Revocation File)
6. The All Valley Fire Council, which includes the Hamilton Rural Fire District, has adopted Fire Protection Standards (outlined in document from the Hamilton Rural Fire District) that address access, posting of addresses, and water supply requirements. (Exhibit A-5)
7. Notification letters were sent to the Hamilton Rural Fire District requesting comments on May 12, 2008 and June 6, 2008. (Clam Fork Agricultural Revocation File)
8. In a letter received June 4, 2008, the Hamilton Rural Fire District stated that they found no negative effects to the provision of adequate fire protection service to the site. (Exhibit A-4)
9. The applicant is proposing to contribute $500 to the Hamilton Rural Fire District prior to final plat approval in lieu of providing a water supply that meets the requirements of the Fire Protection Standards. (Clam Fork Agricultural Revocation File)
10. *The following conditions will mitigate impacts of the development on the Fire District:*
    - *Provisions in the covenants requiring that addresses are posted as soon as construction begins and that all driveways over 150 feet meet the standards of the Fire District. (Condition 2)*

- *The covenants shall include a recommendation that houses within this development be built to International Residential Building Code (IRBC) building standards. For more information, contact the Montana Department of Labor and Industry, at PO Box 1728, Helena, MT 59624-1728 or call 406-444-2840. (Condition 2)*
- *The developer shall provide evidence with the final plan submittal that they have applied for County-issued addresses for each lot within this development, or prove that an address already exists for the subject property. (Condition 4)*
- *Prior to final plan approval, the developers shall provide a letter from the Hamilton Rural Fire District stating that the developers have provided the required 1,000 gallon-per-minute water supply or 2,500 gallon-per-lot water storage for fire protection for the lot within this development. Alternatively, the developers may provide evidence that a $500 contribution has been made to the Hamilton Rural Fire District with the final plat submittal in lieu of the required water supply or water storage for fire protection. (Condition 5)*
- *The following statement shall be shown on the final plan: "The All Valley Fire Council, which includes the Hamilton Rural Fire District, has adopted the Fire Protection Standards. All accesses, including driveways to residences over 150' in length, must have a minimum unobstructed travel surface width of 22', a vertical clearance of 13'6" and an all-weather surface that can accommodate the weight of a fire truck. Please contact the Hamilton Rural Fire District for further information". (Condition 6)*

School District

11. The proposed development is located within the Hamilton School District. (Clam Fork Agricultural Revocation File)
12. Because no lots are being created is estimated that zero to one school-aged children will be added to the Hamilton School District. (Census 2000)
13. The applicant is proposing to contribute $1,200 to the School District prior to final plat approval. (Clam Fork Agricultural Revocation File)
14. Notification letters were sent to the Hamilton School District requesting comments on January 23, 2007 and January 29, 2008, but no comments have been received from the School District. (Clam Fork Agricultural Revocation File)
15. *Staff recommends that the applicant negotiate a contribution to the Hamilton School District with the BCC, in consultation with the Hamilton School District, if possible. (Condition 9 and Final Plat Requirement 17)*

Public Safety

16. The Ravalli County Sheriff's Office provides law enforcement services to this area. (Clam Fork Agricultural Revocation File)
17. Notification letters were sent to the Ravalli County Sheriff's Office requesting comments on May 12, 2008 and June 6, 2008, but no comments have been received from the Sheriff's Office. (Clam Fork Agricultural Revocation File)
18. This proposed development is located approximately one mile from the Sheriff dispatch in Hamilton. (Ravalli County GIS Data)
19. The applicant is proposing a $500 contribution to a County fund for emergency services (Sheriff's Office, E-911, and Department of Emergency Services) prior to final plat. (Clam Fork Agricultural Revocation File)
20. *To mitigate impacts on Ravalli County Public Safety Services, the developer shall submit a (amount) contribution to the Ravalli County Treasurer's Office to be deposited into an account for Public Safety Services (Sheriff, E-911, DES) prior to final plat approval. (Condition 8)*

Roads

21. The lifting of the agricultural covenant will not create any new lots. It is estimated that this development will continue to generate a total of eight vehicular trips per day, assuming eight trips per day per lot. (Clam Fork Agricultural Revocation File)

22. There are two existing accesses to the subject property – one off Westbridge Road and one off Ricketts Road. The approach permit from Ricketts Road has final approval from the RCRBD and the approach permit from Westbridge Road has preliminary approval. (Clam Fork Agricultural Revocation File)
23. The access to Ricketts Road is paved, but the access to Westbridge Road is unpaved. (Clam Fork Agricultural Revocation File)
24. Westbridge Road is a State road maintained by the County and Ricketts Road is a County-maintained road. (Clam Fork Agricultural Revocation File and Ravalli County GIS Data)
25. In an email received March 24, 2008, David Ohnstad, Ravalli County Road an Bridge Supervisor, stated that the applicant would be subject to pro rata estimated at $146.00. David states that the assessment is "incidental, and [will] not require a formal assessment". (Clam Fork Agricultural Revocation File)
26. The RCSR define the pro-rata calculation as being the estimated traffic that will be generated by the proposed subdivision based on the number of lots, minus one lot. Because no lots will be created with this development, removing one lot from the pro-rata calculation will result in a value of zero. No pro-rata is required of this development. (Staff Determination)
27. *To mitigate impacts on the roads leading to the development, the following conditions and requirements shall be met:*
    - *A copy of the General Discharge Permit for Stormwater Associated with Construction Activity from DEQ shall be submitted prior to final plat approval, if applicable. (Final Plan Requirement 10)*
    - *To mitigate potential impacts of this development on any possible future public water, sewer system, or improvements to the road system, the RSID/SID waiver filed with the Revocation of Agricultural Covenant shall address these services/facilities. (Conditions 2 and 3)*
    - *The covenants shall limit access through no-ingress/egress zones along the Westbridge Road and Ricketts Road frontages of the development, excepting the approved approaches to Westbridge Road and Ricketts Road, as approved by the RCRBD. (Conditions 2 and 7, and Final Plat Requirement 2)*
    - *The apron of the existing approach to Westbridge Road shall be paved prior to final plan approval. (Condition 12)*

Ambulance Services

28. Ambulance services will be provided by Marcus Daly Memorial Hospital EMS Department. Marcus Daly was contacted, but no comments have been received to date. (Clam Fork Agricultural Revocation File)
29. *To mitigate impacts on emergency services, the developer shall provide evidence with the final plan submittal that they have applied for County-issued addresses for each lot within this development, or provide evidence that a County-issued address already exists for the property. (Condition 4)*

Water and Wastewater Districts

30. Individual wells and wastewater treatment systems are proposed to serve the lots. The property near Hamilton's municipal water and wastewater systems, but they are located across the Bitterroot River. (Clam Fork Agricultural Revocation File)

Solid Waste Services

31. Bitterroot Disposal provides service to this site. (Clam Fork Agricultural Revocation File)
32. Notification letters were sent to Bitterroot Disposal requesting comments on May 12, 2008 and June 6, 2008, but no comments have been received. (Clam Fork Agricultural Revocation File)

Utilities

33. The proposed development will be served by Northwestern Energy and Qwest Communications. (Clam Fork Agricultural Revocation File)

34. Notification letters were sent to the utility companies requesting comments on May 12, 2008 and June 6, 2008. No comments have been received. (Clam Fork Agricultural Revocation File)
35. Existing utilities are located along the Westbridge Road and Ricketts Road frontages of the development. (Clam Fork Agricultural Revocation File)
36. Existing overhead power lines are located in the southern portion of the property. The preliminary plat shows an existing 20-foot wide utility easement on the western line and the applicant is proposing a 15-foot wide easement for the eastern line. (Clam Fork Agricultural Revocation File)
37. An existing gas line and meter is located on the southern portion of the lot, but there do not appear to be any easements associated with them.
38. The preliminary plan shows that a lateral line from an existing septic tank drainfield from an adjoining property is located in the southwestern portion of the property. In an email received June 13, 2008, the applicant's representative states that an easement for the neighbor's drainfield will be provided on the subject property, until the adjoining property owner moves the location of the drainfield. (Exhibit A-1)
39. *The following requirements will mitigate impacts of the development on local utilities:*
    - *Utility easements shall be provided by the applicant. (Condition 10)*
    - *The applicant shall submit utility availability certifications from Northwestern Energy and Qwest Communications prior to final plat approval. (Final Plat Requirement 13)*
    - *Since a preliminary plat will not be filed with this subdivision, the applicant shall submit recorded easements for the 10-foot wide easement centered on the gas line and meter, and the 15-foot wide easement centered on the overhead power line in the eastern portion of the property. (Condition 10)*

Conclusion of Law:

With the mitigating conditions of approval and requirements of final plan approval, impacts of the development on local services will be reduced.

CRITERION 4: EFFECTS ON NATURAL ENVIRONMENT

Findings of Fact:

Surface Water Features

1. In a letter received June 11, 2008, Mack Long of Montana Fish, Wildlife, and Parks (MFWP) states that the ditches and the area proposed as a no-build zone is actually a segment of Putnam Gulch. Putnam Gulch is a natural drainage that runs west to east and ultimately connects to the Bitterroot River. Mr. Long recommends that Putnam Gulch be labeled on the final plan. (Exhibit A-7)
2. The MFWP letter continues by recommending that the "no-build" zone shown on the preliminary plat be designated a "no-build/alteration buffer zone" and that riparian-use covenants be considered to guide the use of the riparian area. (Exhibit A-7)
3. The applicant is proposing a no-build/alteration zone on Putnam Gulch. (Clam Fork Agricultural Revocation File)
4. The applicants are proposing individual wells and wastewater treatment facilities the development. The applicants submitted water and sanitation information per MCA 76-3-622 for the proposed systems. (Clam Fork Agricultural Revocation File)
5. The Ravalli County Environmental Health Department provided documentation indicating that they have received adequate information for local development review to occur. (Exhibit A-6, MCA 76-3-622)
6. *To mitigate impacts on the Natural Environment, the applicant is required to complete the following:*
    - *Submit a DEQ Certificate of Development Approval prior to final approval. (Final Plat Requirement 9)*
    - *The no-build zone shall be shown on the final plan as proposed on the preliminary plat. It shall be labeled as a no-build/alteration zone. (Condition 11 and Final Plat Requirement 2)*
    - *Riparian-use covenants shall be included in the covenants document. (Condition 2)*

- *Putnam Gulch shall be labeled on the final plan. (Condition 11 and Final Plat Requirement 2)*
- *A provision explaining the no-build/alteration zones shall be included in the notifications document. (Condition 1)*

Light Pollution

7. The addition of a residence in this area has the potential to increase light pollution. Sky glow, glare, light trespass into neighbor's homes, and energy waste are some of the components of light pollution. (International Dark Sky Association)
8. *To mitigate the impacts of light pollution stemming from new construction, the protective covenants shall include a provision recommending full cut-off lighting on new construction. (Condition 2)*

Air Pollution

9. The Montana DEQ has identified that burning sources – such as fireplaces and wood stoves – are the most common sources of particulate matter (PM-10 and PM-2.5). The smaller PM-2.5 particles, often referred to as "fine particulates," are easily inhaled and can cause tissue damage, emphysema, bronchitis, and cardiovascular complications. Children, seniors, and individuals with pre-existing respiratory diseases are most susceptible to these health risks. (Montana DEQ Citizens Guide to Air Quality in Montana http://www.deq.mt.gov/AirMonitoring/citguide/understanding.asp)
10. *To mitigate impacts on air quality, the covenants shall include a provision recommending that homeowners refrain from installing wood stoves. (Condition 2)*

Vegetation

11. The applicants submitted a Ravalli County Development Noxious Weed Evaluation Form that stated Spotted Knapweed, Houndstongue, Tall Buttercup, and St. Johnswort were scattered on the property. The plan has been approved by the Weed Board. (Clam Fork Agricultural Revocation File)
12. Any person proposing a development that needs state or local approval and that results in the potential for noxious weed infestation within a weed district shall notify the weed board at least 15 days prior to activity. Consequently, 15 days prior to activities requiring a revegetation plan, such as road construction, a plan shall be submitted to the weed board for approval by the board. (MCA 7-22-2152)
13. According to the Montana Natural Heritage Program, there were no plant species of concern in the same section as the proposal. (Clam Fork Agricultural Revocation File)
14. The property contains areas of thick deciduous vegetation. (Clam Fork Agricultural Revocation File and Site Visit)
15. *To mitigate impacts on natural environment, the following items will be required for final plat approval:*
    - *A noxious weed control provision shall be included in the protective covenants filed with the Revocation of Agricultural Covenant for this development. (Condition 2)*
    - *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 development. (Final Plan Requirement 11)*
    - *The no-build zone will be shown on the final plan as proposed on the preliminary plat. It shall be labeled as a no-build/<u>alteration</u> zone. (Condition 11 and Final Plat Requirement 2)*
    - *The covenants and notifications document shall include a provision explaining the no-build/alteration zone. (Conditions 1 and 2)*

Historical/Archeological Sites

8. There are no known sites of historical significance on the property. (Clam Fork Agricultural Revocation File)

9. *To ensure that any possible historical sites are preserved, the following statement shall be included in the covenants: "If any archaeological, historic, or paleontological sites are discovered during road, utility, or building construction, all work will cease and the State Historic Preservation Office shall be contacted to determine if the find constitutes a cultural resource and if any mitigation or curation is appropriate". (Condition 2)*

Conclusion of Law:

Impacts from this development on the natural environment will be reduced with the mitigating conditions and requirements of final plan approval.

CRITERION 5: EFFECTS ON WILDLIFE & WILDLIFE HABITAT

Findings of Fact:

1. In a letter dated June 11, 2008, MFWP recommended including a "Living with Wildlife" section in the covenants document. (Exhibit A-7)
2. The property is not located within big-game winter range. (FWP GIS Data)
3. According to the Montana Natural Heritage Program, the Western Skink, Fringed Myotis, Gray Wolf, Bald Eagle, Townsend's Big Eared Bat, Lewis' Woodpecker and Bull Trout and Cutthroat Trout were identified as animal species of concern that could exist in the same section as the proposal. The developer requested and received a waiver from the requirement to submit a sensitive species report for the species based on a lack of habitat on the property. (Exhibit A-8 and Clam Fork Agricultural Revocation File)
4. *To mitigate impacts on wildlife, the following conditions shall be met:*
   - *The covenants shall include a living with wildlife section. (Condition 2)*
   - *The protective covenants shall include a provision recommending full cut-off lighting on new construction. (Condition 2)*
   - *The no-build zone will be shown on the final plan as proposed on the preliminary plan. It shall be labeled as a no-build/alteration zone. (Condition 11 and Final Plat Requirement 2)*
   - *The covenants shall include a provision explaining the no-build/alteration zones. (Condition 2)*
   - *A notification of the no-build/alteration zone shall be included in the notifications document. (Condition 1)*

Conclusion of Law:

With the mitigating conditions of approval and requirements of final plan approval, impacts on Wildlife & Wildlife Habitat will be reduced.

CRITERION 6: EFFECTS ON PUBLIC HEALTH & SAFETY

Findings of Fact:

Traffic Safety

1. Access is proposed off Westbridge Road and Ricketts Road. (Clam Fork Agricultural Revocation File)
2. *The requirements and conditions listed under Roads in Criterion 3 (Effects on Local Services) will mitigate the impacts of the development on traffic safety.*

Emergency Vehicle Access and Response Time

3. The proposed development will be served by the Hamilton Rural Fire District, the Ravalli County Sheriff's Office, Ravalli County E-911, and the Ravalli County Department of Emergency Services, and Marcus Daly Memorial Hospital EMS Department. (Clam Fork Agricultural Revocation File)
4. *The requirements and conditions listed under Fire Department, Public Safety, Emergency Services, and Roads in Criterion 3 (Effects on Local Services) will mitigate the impacts of the development on emergency vehicle access and response time.*

Water and Wastewater

5. The applicant is proposing individual wells and wastewater facilities to serve all lots. The applicants submitted water and sanitation information per MCA 76-3-622. The Ravalli County Environmental Health Department provided documentation indicating that they have received adequate information for local development review to occur. (Clam Fork Agricultural Revocation File and Exhibit A-6)
6. *The applicant is required to submit a DEQ Certificate of Development Approval prior to final approval. (Final Plat Requirement 9)*

Natural and Man-Made Hazards

7. According to a document titled "Radon and You, Promoting Public Awareness of Radon in Montana's Air and Ground Water" published by DEQ and the Montana Bureau of Mines and Geology, there is a high potential for radon in Ravalli County. (DEQ)
8. The preliminary plat and soils map indicate there are soil types on the property that are considered severe for construction of roads and/or buildings. (Clam Fork Agricultural Revocation File)
9. *To mitigate impacts on the public's health and safety, the following conditions shall be met:*
   - *The covenants shall include a statement regarding radon exposure. (Condition 2)*
   - *The protective covenants shall include a provision recommending full cut-off lighting on new construction. (Condition 2)*
   - *A notification of severe soils shall be included in the notifications document. (Condition 1)*

<u>Conclusion of Law:</u>

The mitigating conditions and requirements of final plat approval will address impacts on Public Health & Safe

John Lavey

From: John C Horat [john@brengineer.myrf.net]
Sent: Friday, June 13, 2008 2:46 PM
To: John Lavey
Subject: Re: Clam Fork

EXHIBIT A-1

John,

Regarding the drainfield, there is no found easement on the land. It is the neighbor's system from the property to the west. I filed a complaint with RCEH because the drain field is failing. RECH has written the neighbor and met with them and asked them to replace the system on their own property. At one time, my client was willing to pay a portion of relocating the system, but that offer is now off the table. Their lawyer claims that they have a prescriptive easement and Clam Fork's lawyer says no. However, Clam Fork is willing to plat an easement in the existing lateral location until they move the septic. No additional area will be provided though unless negotiated. Hopefully, the neighbors will respond in a timely manner to resolve the issue.

Regarding power line easement, I suspect it is 20' wide centered on the line.

Have a good weekend.

John

----- Original Message -----
From: John Lavey
To: John C Horat
Sent: Friday, June 13, 2008 2:24 PM
Subject: Clam Fork

John,

The plat shows some power lines in the southern portion of the property. One of the lines you are proposing a 15-foot wide easement (I'm presuming centered on the line), the other line shows an existing easement, but does not specify width. How wide is the existing power line easement, and is it centered on the line?

There is also a label referring to an "Existing Drainfield and Proposed Easement". What is the easement for (drainfield, access, other??) and how wide is it?

John Lavey
Ravalli County Planning Department
215 South 4th Street, Suite F
Hamilton, MT 59840
406.375.6530

John Lavey

From: David Ohnstad
Sent: Monday, March 24, 2008 11:18 AM
To: 'John C Horat'
Cc: John Lavey
Subject: RE: benedict lifting of ag restrictions

EXHIBIT A-2

John -

We have the necessary information collected for another subdivision. Based on that information, a one unit project 0.19 miles west of the bridge (state highway) would be subject to a $146.00 pro-rata assessment. Based upon the information you have supplied, we would consider that incidental and would not require a formal assessment.

David

From: John C Horat [mailto:john@brengineer.myrf.net]
Sent: Saturday, March 22, 2008 3:45 PM
To: David Ohnstad
Subject: benedict lifting of ag restrictions

Hi David,

Howdy, back in the saddle again. Hope all is well.

I am working on a single family 5 acre parcel which is about 1,000 feet west of the bridge on West Bridge Road in Hamilton. Since it is such a short distance and very large traffic counts, are there any alternatives available to conducting the road count and calculations? Thanks for thinking about this.

John C. Horat, PE
1180 Eastside Highway
Corvallis, MT 59828
406 961-5634
fax 1-866-856-3688

John Lavey

From: David Ohnstad
Sent: Tuesday, June 17, 2008 4:04 PM
To: John Lavey
Subject: RE: Clam Fork Development - Access Issues

EXHIBIT A-3

We will approve the continued use of both approaches.

They will need to be constructed to current design standards.

The project owner will need an access permit from the Road & Bridge Department prior to any work within the roadway easement.

From: John Lavey
Sent: Monday, June 16, 2008 11:09 AM
To: David Ohnstad
Subject: Clam Fork Development - Access Issues

David,

John Horat is working on a project to revoke an agricultural covenant from a property, just west of Hamilton off Ricketts and Westbridge Roads. The preliminary plat indicates that the property currently has access to both Westbridge Road and Ricketts Road, and while it appears the accesses have existed for some time, the application does not present any evidence that there are existing approach permits for either of the accesses.

I am in the process of writing the staff report (BCC meeting: July 10, 2008) and have a couple questions: Will the RCRBD continue to allow the developer to continue to use both accesses to the subject property? The developer is proposing a no-build/alteration zone along some wetlands that essentially bisects the property (see attached). Because vehicular access will be precluded from one portion of the property to another by the no-build/alteration zone, and because no new traffic generation is expected as a result of the lifting of the agricultural covenant, I would recommend that the applicant be allowed the continued use of both accesses.

Whether one access or two, I will be recommending that the apron of the existing gravel approach(es) be paved, as both Westbridge Road and Ricketts Road are paved.

Please advise,

John Lavey
Ravalli County Planning Department
215 South 4th Street, Suite F
Hamilton, MT 59840
406.375.6530

Hamilton Rural Fire District

Post Office Box 1994 • Hamilton, MT 59840

EXHIBIT A-4

RECEIVED
JUN 05 2008
IC-08-06-729
Ravalli County Planning Dep

June 4, 2008

John Lavey
Ravalli County Planning Department
215 S. 4th Street, Suite F
Hamilton, MT 59840

RE: Agency comment on the Clam Fork Agricultural Revocation

The Hamilton Rural Fire District and the City of Hamilton Fire Chief have reviewed the subdivision proposal, based on the May 13, 2008 information received from John Lavey, in regards to the District's ability to provide fire protection services.

We find no negative effects to the provision of adequate fire protection service with the removal of the agricultural covenant.

The Hamilton Rural Fire District's approval is subject to reconsideration or withdrawal if there are other variances, if the information provided is incomplete in any way, or if there are modifications to the proposal that alter the level of fire service protection required or the ability of the Hamilton Rural Fire District to provide adequate fire service protection.

Sincerely,

Lisa Wade

Lisa Wade
Secretary

EXHIBIT A-5

RECEIVED
SEP 13 2005
Ravalli County Planning Dept.

Hamilton Rural Fire DISTRICT
Post Office Box 1994 Hamilton, MT 59840

Consensus of All Valley Fire Council. IC-05-09-1707

FIRE PROTECTION STANDARDS

The following Fire Protection Standards were adopted on September 6, 2005.

The Hamilton Rural Fire District has established the Fire Protection Standards for proposed new subdivisions within the district. The requirements were established with consideration for the life and safety of the residents of the district, as well as the volunteer firemen who protect the district, and to mitigate possible harm to the general public.

In establishing the requirements, emphasis was given to the NFPA 1, Chapter 18, The Ravalli County Subdivision Regulations, The Ravalli County Road Department Standards, and the 1993 Fire Protection Guidelines for Wildland Residential Interface Development. These Publications and Articles establish rules for dealing with fire apparatus access roads, fire department access to buildings, water supplies for fire protection, installation and maintenance of fire - protection systems and clearance of brush and vegetative growth from roadways.

Consideration was also given to Section 23.7.105 Administrative Rules of Montana, which is adopted pursuant to authority of 50-3-102 (2) and 50-3-103, MCA, which incorporates by reference the NFPA 1, Chapter 18, and establishes a minimum fire prevention code for Montana.

Every effort has been made to use words and phrases consistent with the definitions given in the above-mentioned publications.

ACCESS ROADS

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

18.2.2.3.1 Required Access. Fire Apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction when any portion of the facility or any portion of an exterior wall of the first story of the building is located more than 150 feet (45720 mm) from fire apparatus access as measured by an approved route around the exterior of the building or facility.

18.2.2.5.1 Dimensions. Fire apparatus access roads shall have an unobstructed travel surface not less than 22-feet in width, which may included a two foot shoulder on each side of an 18-foot wide travel surface, and an unobstructed vertical clearance of not less than 13 feet 6 inches (4115 mm).

18.2.2.5.2 Surface. Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be provided with a surface so as to provide all-weather driving capabilities.

18.2.2.5.6 Grade. The gradient for a fire apparatus access road shall not exceed the maximum approved by the fire chief. The Chief accepts the Resolution approved by the Board of County Commissioners of Ravalli County which sets the maximum acceptable road grade at ten percent (10%).

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

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

SPECIFIC REQUIREMENTS:
The Fire District requests that all lots (premises) meet the requirements of NFPA 1, Section 18.2.2.5.7 as soon as construction begins with a temporary or permanent address posted at the premises driveway and upon occupancy with a permanent address posted in accordance with the above NFPA 1.

BUILDING STANDARDS

The Fire District will request that all buildings be built to IRBC codes in order to protect persons and property, and that all subdivisions shall be planned, designed, constructed and maintained so as to minimize the risk of fire and to permit effective and efficient suppression of fires.

WATER SUPPLY

The water supply required by the NFPA 1 for one or two family dwellings, not exceeding 3,600 square feet, requires a flow rate of 1,000 G.P.M. The code does not specify the duration of flow for one and two family dwellings, however the Fire Protection Guidelines for Wildland Residential Interface Development and the Ravalli County Subdivision Regulations list the minimum water supply of 2,500 gallons per lot, or 1,000 gallons per minute flow from municipal water systems.

In order to obtain and maintain a Class 5 ISO rating, the Hamilton Volunteer Fire Department is required to flow 500 gallons and maintain this flow for 120 minutes. By ISO standards this is usually sufficient to protect single-family dwellings with adequate spacing between structures. ISO uses the following flow rates, from their *Guide for Determination of Needed Fire Flow*, Chapter 7, when considering adequate coverage for density:

Distance Between Buildings	Needed Fire Flow
More than 100'	500 gpm
31 - 100'	750 gpm
11 - 30'	1,000 gpm
10' or less	1,500 gpm

The Hamilton Rural Fire District will use these fire flows for all subdivisions of single-family dwellings with less than 10 lots. All developments of single-family dwellings with 10 or more lots require a minimum of 1,000 gallons per minute. All commercial, industrial, or multi-family dwellings requiring higher fire flows will have to be engineered by the developer to determine needed fire flows.

Any development in the rural area, with density requiring more than the 500 gallons per minute being supplied by the Hamilton Volunteer Fire Department, will be requested to supply the difference. The water supply installation, upkeep and maintenance will be the responsibility of the Subdivision, pursuant to NFPA 1, Section 18.3.5.

The Fire District realizes the financial burden of installing and maintaining a water supply and or storage tanks capable of providing the required water flows and is willing to accept a voluntary contribution payment of $500.00 (Five Hundred Dollars) per lot, in lieu of the water supply required by the NFPA 1. Payment of $500.00 per lot will be due upon approval of the subdivision. The Fire District will use funds paid in lieu of the water supply required by the NFPA 1 to maintain or improve fire protection within the district, for the development of water supplies, or capital improvements.

EXCEPTIONS: 1. When all buildings in the subdivision are completely protected with an approved automatic sprinkler system, the above listed water supply and in lieu of payment schedule may be reduced by 50% (fifty percent). The Subdivision Covenants must state that "All residences constructed within the subdivision will be protected with an approved automatic sprinkler system." Payment for the reduced amount of $250.00 per lot will be accepted at the time the Subdivision is approved. If at any time any residence is built within the subdivision without an approved sprinkler system, all lots will be subject to an additional $250.00 payment, regardless of whether they have sprinklers in residences located on them or not.

SUBDIVISION APPLICATION PACKET CHECKLIST - Water and Sanitation Information Per MCA 76-3-622

Name of Subdivision: Clam Fork, lifting of AG covenants Parcel B

Subdivider/Landowner Name(s): Benedict

EXHIBIT A-6

Consultant Name: BR Engineering

Date Received: 5-1-08 Sufficiency Review Due Date:

Yes	No	N/A	Item	Additional Information/Staff comments
(1)Unless the land division is excluded from review under 76-4-125(2), the subdivider shall submit to the information listed below for proposed subdivisions that will include new water supply or wastewater facilities.				
			Provide two copies of the following information with a check paid to RCEHD for their $50.00 sufficiency review fee.	
			(a)Vicinity Map or Plan	
			(i) The location, within 100 feet outside of the exterior property line of the subdivision and on the proposed lots, of:	
			(A) flood plains	
			(B) surface water features	
			(C) springs	
			(D) irrigation ditches	
			(E) existing, previously approved, and, for parcels less than 20 acres, proposed water wells and wastewater treatment systems	
			(F) for parcels less than 20 acres, mixing zones identified as provided in subsection (1)(g);	
			(G) the representative drainfield site used for the soil profile description as required under subsection (1)(d)	
			(ii) The location, within 500 feet outside of the exterior property line of the subdivision, of public water and sewer facilities	
			(b) A description of the proposed subdivision's water supply systems, storm water systems, solid waste disposal systems, and wastewater treatment systems, including whether the water supply and wastewater treatment systems are individual, shared, multiple user, or public as those systems are defined in rules published by DEQ.	
			(c) A drawing of the conceptual lot layout at a scale no smaller than 1" = 200' that shows all information required for a lot layout document in rules adopted by the DEQ pursuant to 76-4-104.	

RECEIVED
MAY 05 2008
160805-439
Ravalli County Planning Dept.

Montana Fish, Wildlife & Parks

Region 2 Office
3201 Spurgin Road
Missoula, MT 59804-3101
406-542-5500
Fax 406-542-5529
June 11, 2008

EXHIBIT A-7

John Lavey, Planner
Ravalli County Planning Department
215 S. 4th St., Ste. F
Hamilton, MT 59840

Reference: Clam Fork--Proposed revocation of agricultural covenant/restriction in order to use the lot (1 lot on 5.1 acres) for residential purposes, about ½ mile west of Hamilton

Dear Mr. Lavey:

We have reviewed the preliminary plat and topographic map you provided for this proposed agricultural revocation. We also reviewed this parcel and its surrounds on the Montana Cadastral website (http://gis.mt.gov/). Based on reviewing this information and our field knowledge of this location, our comments follow.

Wildlife

Wildlife species such as mule deer, white-tailed deer, coyote, fox, raccoon and skunk, as well as an occasional black bear and possible mountain lion, could be expected in this area. Numerous small mammal and bird species would also be found nearby. There is a high likelihood of human/wildlife conflict at this location--particularly with deer and black bear--if residents do not pay attention to careful handling of garbage, garden/orchard produce, birdseed and other wildlife "attractants," controlling pets, etc.

1. If any covenants or agreements are required for this subdivision, we also recommend that "living with wildlife" issues be conveyed to future residents. Adherence to those guidelines should help these residents deal with and avoid conflicts with wildlife. We have enclosed our recommended version of such covenants.

2. This lot is about one-quarter mile from the Bitterroot River and its associated sloughs, where waterfowl hunting could be expected to occur, and there is potential for conflict between the noise from hunting and residents of this subdivision. We have included a covenant (m) to address this issue.

Riparian

There is a "ditch" indicated on the preliminary plat in the northern portion of this lot. There is a variable-width area along this "ditch" that is delineated and labeled "soil severe for building/roads per SCS soil survey," with a handwritten notation of "no build zone."

1. Based on the USGS Topographic map for this vicinity, this "ditch" is apparently an extension of Putnam Gulch, a natural drainage running west to east through the lot and ultimately connecting with the Bitterroot River. We recommend Putnam Gulch be labeled on the plat.

2. We recommend the "no build" zone be designated a "no-build/alteration buffer zone," and labeled as such on the plat.

3. Riparian-use covenants should be considered to guide use of the riparian area. We have enclosed a recommended version for this location.

We thank you for providing the opportunity for FWP to comment on this proposal.

Sincerely,

/s/ Mack Long

Mack Long
Regional Supervisor

ML/sr

Covenants (or development agreement) section for Clam Fork agricultural revocation, recommended by Montana Fish, Wildlife & Park; Missoula; June 11, 2008

Section __: Wildlife

Homeowners 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, pet food, livestock feed and other potential attractants. Homeowners must be aware of potential problems associated with the presence of wildlife such as white-tailed deer, mule deer, black bear, mountain lion, coyote, fox, skunk, raccoon, and magpie. Please contact the Montana Fish, Wildlife & Parks office in Missoula (3201 Spurgin Road, Missoula, MT 59804) for brochures that can help homeowners "live with wildlife." Alternatively, see FWP's web site at www.fwp.mt.gov.

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

a. Homeowners must be aware of the potential for **vegetation damage by wildlife,** particularly from deer feeding on green lawns, gardens, flowers, ornamental shrubs and trees in this subdivision. Homeowners 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** must be stored in secure animal-resistant containers or indoors to avoid attracting animals such as raccoon, black bear, and other wildlife. 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 (including salt blocks), attractants, or bait for deer, sheep 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 (MCA 87-3-130) to purposely or knowingly attract bears 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, homeowners must be aware that deer can attract mountain lions to the 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 must: 1) be suspended a minimum of 20 feet above ground level, 2) be at least 4 feet from any support poles or points, and 3) 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 confined to the house, in a fenced yard, or in an outdoor kennel area when not under the direct control of the owner, and not be allowed to roam as they can chase and kill big game and small birds and mammals. Keeping pets confined also helps protect them from predatory wildlife. Under current state law it is illegal for dogs to chase hoofed game animals and the owner may also be held guilty (MCA 87-3-124).

h. **Pet food and livestock feed** must be stored indoors, in closed sheds or in bear-resistant containers in order to avoid attracting wildlife such bears, mountain lion, skunk, and raccoon. **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 home.

i. **Barbecue grills** should be stored indoors. Permanent outdoor barbecues grills are not allowed in this subdivision. 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) and no lower than 18 inches (at the bottom rail) in order to facilitate wildlife movement. Barbed wire fences are not allowed in this subdivision, and this should avoid animals such as deer and/or elk becoming entangled in the wire or injuring themselves when trying to jump the fence.

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.)

l. **Apiaries (bee hives)** could attract bears in this area and should be avoided. (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. Residents of this subdivision must recognize that the subdivision is located within one-half of mile from the Bitterroot River and its associated sloughs and wetlands, where lawful waterfowl hunting and the associated **discharge of shotguns** could occur from a half-hour before sunrise through sunset, and the season can run from September into January.

n. These wildlife covenants cannot be changed or eliminated without the concurrence of the governing body (Ravalli County Commissioners).

Section __: Riparian use guidelines

Putnam Gulch flows generally west to east through the northern portion of this lot. On each side of this drainage is a variable-width riparian area, which are collectively depicted as a "no-build/alteration buffer zone" on the plat. Within these buffer zones, encouraging the development of site-appropriate native vegetation (including shrubs and trees)--while *discouraging* actions such as grading, planting and irrigating lawns, mowing or cutting or clearing vegetation, and livestock grazing--would help preserve the functionality of this natural drainage, protect and improve wetland vegetation, enhance slope stability, and protect property from eroding banks and possible flooding.

The following covenants, designed to guide use of these buffer zones, shall apply:

a. No new building or alteration is allowed in the zones.

b. Only non-motorized access and use of the buffer zones is allowed (except for certain maintenance needs such as weed spraying).

c. Do not cut or remove live or dead vegetation, particularly shrubs and trees from the buffer zone. Wood (i.e., fallen branches, downed trees) is an important part of habitat and contributes significantly to overall slope stability, and dead trees function as important wildlife nesting habitat. Exception: proper use of chemicals or other methods of control (other than mowing) for noxious weeds is allowed, and planting appropriate native riparian vegetation (trees, shrubs) is allowed.

d. Do not plant lawns or crops in the buffer zone. Leave or plant native vegetation as ground cover as this avoids the use of fertilizers that contribute to water quality problems.

e. If planting is planned for this area, the goal should be to re-establish native plant species appropriate to the site.

f. In general, keep livestock out of the natural drainage, and do not include the drainage in corrals. Use fences to keep livestock from trampling and grazing riparian vegetation in the buffer zone.

g. In summary, allow riparian areas--the drainage channel and buffer zones--to remain undisturbed. Do not modify them unless such change would help return the area to a natural state.

h. These riparian covenants cannot be altered or eliminated without consent of the governing body (Ravalli County Commissioners).

John Lavey

From: John Lavey
Sent: Tuesday, May 06, 2008 4:31 PM
To: Renee Lemon
Subject: Clam Fork Ag Revocation SOC Waiver Request

EXHIBIT A-8

Renee,

John Horat submitted a waiver request for the Clam Fork Agriculture Revocation project off Ricketts. Based off the information presented in the application, aerial photos, a couple drive-bys, and some quick internet research I think we'd be OK waiving the full sensitive species report. Generally, the property is flat and has some shrubbery in the southern portion. There are two existing accesses – one in the south and one in the northwest.

Refer to the waiver request in your door for habitat descriptions, the sensitive species map, and a copy of this email.

John Lavey
Ravalli County Planning Department
215 South 4th Street, Suite F
Hamilton, MT 59840
406.375.6530

agreed.
RJ

EXHIBIT A-9

Randy Fifrick

From: Jeffrey, Robert [rjeffrey@mt.gov]
Sent: Monday, December 31, 2007 12:22 PM
To: Randy Fifrick
Cc: Habeck, Bob; Wolfe, Debra; Merchant, Eric; Lea Jordan; Morgan Farrell
Subject: RE: Ravalli Co Air Quality

Hi Randy-
Thanks for your questions and sorry for my delayed reply - the demands of the holiday season caught up to me after our Dec. 12th meeting in Hamilton. Before I comment on your wood stove covenant, I would like to caveat my reply and state that I assume the subdivision review and approval process in Ravalli County stresses energy conservation as a very high priority, if not the highest, and it specifically discusses energy conservation in new home/business/commercial construction. In my opinion, it's purely a matter of common sense to stress energy conservation first before one decides on the selection of heating and cooling systems. With those comments in mind, I would slightly revise the text of your wood stove covenant to read as follows:

> ***Wood Stoves.*** The County recommends that home owners refrain from installing wood stoves if possible. The county further recommends that wood and other biomass burning stoves not be used as the primary heat source. If a homeowner chooses to burn wood as a back-up heat source, the county strongly encourages them to install an EPA-certified wood stove as the best option to reduce air pollution and more specifically, to install an EPA-certified pellet stove. More information on low emission, EPA-certified wood stoves is available at http://www.epa.gov/woodstoves/index.html. The State of Montana offers a generous Alternative Energy Systems Tax Credit to offset the cost of purchasing and installing a low emission wood or biomass combustion device such as a pellet or wood stove. Besides the tax credit for qualifying wood stoves, individual Montana residents can claim a tax credit for energy conservation investments made to a home or other building. For more information on the energy conservation tax credits and ways to save energy, please see the ***Warm Hearts, Warm Homes*** webpage (http://deq.mt.gov/Energy/warmhomes/index.asp) on the Montana Department of Environmental Quality's website. *(Effects on the Natural Environment)*

Thanks for sharing this wood stove covenant statement with us. On the subject of education, DEQ is contemplating the revision of one of our older educational brochures on how to properly operate a wood stove to reduce air pollution. If DEQ were to print copies of a revised wood burning brochure, would the Ravalli County planning department consider including a copy of that brochure in their correspondence with building permit applicants? Thanks for partnering with DEQ as we work on improving and protecting the air quality in the Bitterroot Valley. If you have any questions, please contact me. Bob

Robert K. Jeffrey
Air Quality Specialist
Air Resources Management Bureau
MT Dept. of Environmental Quality
(406) 444-5280; fax 444-1499
Email: rjeffrey@mt.gov

From: Randy Fifrick [mailto:rfifrick@ravallicounty.mt.gov]
Sent: Thursday, December 13, 2007 1:49 PM
To: Jeffrey, Robert

Subject: Ravalli Co Air Quality

Hi Robert,

I attended your initial meeting Wednesday afternoon in the Commissioners room. I work primarily on subdivision review for the county. Currently we include the following covenant in the conditional approval of new subdivisions:

> ***Wood Stoves.*** The County recommends that home owners install EPA-certified wood stoves to reduce air pollution. It is recommended that wood burning stoves are not 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 (http://mt.gov/Revenue/energyconservation.asp) for the cost of purchasing and installing a low emission wood or biomass combustion device such as a pallet or wood stove. *(Effects on the Natural Environment)*

Currently we can not do anything more than recommend this condition as our legal counsel has advised us anything more would be to close to a building code. The Planning Dept feels like education is important aspect of improving air quality in Ravalli County and we hope that this statement helps to educate the public.

What do you think of this statement and is there anything else we could do through our subdivision review process to mitigate the effects of new development on air quality in the county.

Thanks,

Randy Fifrick
Ravalli County Assistant Planner
215 S 4th St, Suite F
Hamilton, MT 59840
406-375-6530
rfifrick@ravallicounty.mt.gov

EXHIBIT A-10

John Lavey

From: Lea Jordan
Sent: Tuesday, April 01, 2008 1:29 PM
To: Karen Mahar; Karen Hughes; Renee Lemon
Subject: FW: Updated PM2.5 Data Review
Attachments: PM25_NAAQS_MT_Review_Mar_2008.doc

Dear Interested Party:

The Montana Department of Environmental Quality (DEQ) has reviewed the PM2.5 (particulate matter <= 2.5 micron) data collected in 2007 and incorporated it into the PM2.5 dataset from the previous three years (2004-2006). As part of that analysis, DEQ identified several communities that continue to experience poor air quality during certain time periods each year. Those communities are located in the following counties: Lincoln, Missoula, Silver Bow, Ravalli, Gallatin, Lewis & Clark, Flathead, Sanders, Yellowstone and Cascade. Attached is a document summarizing some of the issues with the revised particulate matter (PM) National Ambient Air Quality Standards (NAAQS) and PM data for several Montana communities. This document is also available on the DEQ website under the What's New section of the Air Quality Information page (http://deq.mt.gov/AirQuality/AQinfo.asp).

As required by the Federal Clean Air Act and based on ambient air monitoring data collected in 2004, 2005 and 2006, DEQ in December 2007 notified EPA as to which Montana communities were not complying with the PM NAAQS. EPA will review Montana's submittal and our latest air monitoring data as it becomes available before making a decision on which communities are in violation of the federal standards. In the future for those Montana communities found in violation of any NAAQS, federally enforceable control plans must be submitted to EPA for their approval. In a proactive attempt, DEQ wants to work with local air pollution control agencies, the regulated community, and other interested parties to identity and control sources of particulate matter air pollution. DEQ representatives are willing to meet with interested parties in their communities at mutually agreed upon dates and times. In addition to the PM NAAQS discussion, other air quality topics of interest could be discussed. If interested, please contact myself or Bob Habeck (bhabeck@mt.gov or 444-7305) to schedule a meeting.

As part of the annual air quality data review process, DEQ will hold a public meeting to discuss the future direction of Montana's ambient air monitoring network. That meeting will be held on Wednesday, 19 March 2007 from 8:30 A.M. to 12:30 P.M. The meeting location is the Middle Commission Room in the Fish, Wildlife & Parks building at the 1420 East 6th Avenue in Helena. If you need further directions or other information, please contact me.

Thank you for your interest in protecting Montana's clean air resource.

Robert K. Jeffrey
Air Quality Specialist
Air Resources Management Bureau
MT Dept. of Environmental Quality
(406) 444-5280; fax 444-1499
Email: rjeffrey@mt.gov

Potential Montana PM2.5 Non-Attainment Areas

March 2008 DRAFT

I. Introduction

The U.S. Environmental Protection Agency (EPA) recently revised the national ambient air quality standards (NAAQS) for particulate matter (PM). NAAQS are intended to protect public health and are established for six criteria air pollutants. The revisions affect the NAAQS for fine PM less than or equal to 2.5 microns (PM2.5) in aerodynamic diameter and for particles less than or equal to 10 microns (PM10). The revisions also affect the ambient air monitoring requirements for PM.

II. PM NAAQS & Related Rules Published in the Federal Register (FR)

11/1/05: PM2.5 Implementation rule proposed in 70 FR 65984
1/17/06: PM NAAQS Revisions proposed in 71 FR 2620
1/17/06: PM Monitoring Revisions proposed in 71 FR 2710
2/9/06: Transition to New or Revised PM NAAQS; advanced notice of proposed rulemaking in 71 FR 6718
3/10/06: Treatment of Data Influenced by Exceptional Events; proposed in 71 FR 12592
10/17/06: PM NAAQS final rule published in 71 FR 61144
10/17/06: PM Monitoring final rule published in 71 FR 61236
3/22/07: Treatment of Data Influenced by Exceptional Events; final rule published in 72 FR 13560
4/25/07: PM2.5 Implementation final rule published in 72 FR 20586
6/12/07: PM Monitoring Corrections; direct final rule published in 72 FR 32193

III. PM2.5 NAAQS Compliance Designation Timeline

10/17/06: PM NAAQS final rule published in FR
12/18/06: Effective date of the final PM NAAQS rule
12/18/07: Based on air monitoring data collected in 2004-2006, States' submit recommendations to EPA as to whether or not local communities are complying with the PM NAAQS.
12/18/08: EPA makes final PM compliance designations after reviewing most recent monitoring data and EPA may take one additional year to decide, up to 12/18/09.
4/27/10: Effective date for EPA's PM compliance designations
4/27/13: Deadline for States to submit PM State Implementation Plans (SIP) to 'clean up' the air in those communities designated as 'non-attainment'

IV. Related PM NAAQS Issues & Montana Studies

- EPA withdrew its proposal for a coarse PM10-2.5 standard
- EPA retained the 24-hr PM10 standard to protect against the health effects associated with short-term exposure to coarse particles
- EPA revoked the annual PM10 standard
- A Chemical Mass Balance (CMB) study identifying the PM2.5 air pollution sources was conducted in Libby during the winter of 2003-2004. The Libby CMB report was submitted on 11 January 2005
- CMB studies were conducted in Missoula and Hamilton during the winter of 2006-2007. The Hamilton CMB report was submitted in August 2007 and the Missoula report was submitted in November 2007.
- CMB studies are being conducted in Butte, Helena, and Belgrade during the winter of 2007-2008 with the reports due in the summer of 2008.

V. Montana PM Monitoring Data Review & Compliance Projections

Table 1 reviews the current and former PM NAAQS. Tables 2 and 3 summarize ambient PM2.5 data for short-term and annual time periods, respectively in various Montana communities. Table 4 lists the current PM10 non-attainment areas (NAA). Table 5 projects potential NAA in Montana for short and long-term PM2.5 NAAQS.

Table 1. Current & Former Particulate Matter NAAQS (units are μg/m^3)

FORM	TSP (1971)	PM10 (1987)	PM10 (2006)	PM2.5 (1997)	PM2.5 (2006)
24-Hour	260	150[a]	150[a]	65[c]	35[c]
Annual	75	50[b]	revoked	15[d]	15[d]

[a] Expected 24-hr average exceedance from statistical calculations based on 3 years of data
[b] Annual mean from statistical calculations based on 3 years of data
[c] 3-year average of the 98th percentile values
[d] 3-year average of the spatially averaged means

Table 2. PM2.5 Daily Data & Potential Non-Attainment Areas

(24-hr values are 98th percentile; units are μg/m³)

Location	2004[1]	2005[1]	2006[1]	Avg[2]	2007[3]	Avg[4]
Belgrade	25.2	36.3	25.7	29.1	28.1*	30.0
Billings	19.4	31.0	17.6	22.7	19.9*	22.8
Bozeman[6]	nd	14.4	28.6	nd	23.2*	22.1
Butte	29.6	35.9	39.1	34.9	26.0	33.7
Great Falls	12.2	17.6	15.2	15.0	22.4*	18.4
Hamilton[5]	44.7	40.7	27.8	[illegible]	27.8	32.1
Helena	32.9	38.1	24.7	31.9	25.8*	29.5
Kalispell	24.6	17.5	22.8	21.6	20.7*	20.3
Libby	37.7	51.1	40.5	[illegible]	32.2	41.3
Missoula	46.8	42.5	30.2	[illegible]	32.8*	35.2
Seeley Lake	22.6[8]	25.1[8]	38.3[8]	28.7[8]	29.5[8]	31.0[8]
Thompson Falls	18.3	15.1	25.5	19.6	18.4	19.7
Whitefish	23.3	22.0	26.2	23.8	22.2	23.5
W Yellowstone - Alley	nd	nd	nd	nd	30.0	nd
YNP - West Entrance	17.6	8.4	10.6	12.2	16.8*	11.9

nd = no monitoring data
* = wildfire smoke affected data

1 Excludes data ≥ 35 μg/m³ flagged & concurred by EPA as 'exceptional event', e.g. wildfire smoke
2 Average based on the 3-yr period 2004-2006.
3 Excludes flagged data either ≥ 35 μg/m³ or contributing to a violation & likely to be concurred by EPA as 'exceptional event' (wildfires)
4 Average based on the 3-yr period 2005-2007.
5 Monitor moved in 2005 and the 2005 data from both sites was combined for an estimated 98th percentile value in 2005.
6 New site with very few samples collected in 2005; not enough data for valid 3-yr average.
7 FRM sampling started at this site in 2007.
8 Failed 75% data recovery requirement.

Red = currently demonstrating noncompliance with the 24-hour standard of 35 μg/m³.
Orange = potential for noncompliance, criteria is within 15% of the NAAQS

Table 3. PM2.5 Annual Means & Potential Non-Attainment Areas

(units are μg/m^3)

Location	2004[1]	2005[1]	2006[1]	Avg.[2]	2007[3]	Avg.[4]
Belgrade	7.32	10.97[9]	9.58	9.29[9]	8.67	9.74[9]
Billings	8.16	9.02	8.92	8.70	7.96	8.63
Bozeman	nd	6.77[7,9]	6.71	6.71[7]	6.24	6.48[7]
Butte[10]	8.50	10.27	10.57	9.78	10.77	10.54
Great Falls	4.50	5.92	5.58	5.33	6.13	5.88
Hamilton[6]	8.53	8.94	8.34	8.60	8.80	8.69
Helena	7.86	8.51	7.38	7.92	8.31	8.07
Kalispell	8.57	8.42	8.27	8.42	8.60	8.43
Libby[5,10]	14.02	15.81	15.16	15.00	13.05	14.67
Missoula[10]	10.70	11.11	9.12	10.31	10.30	10.18
Seeley Lake	nd[7,9]	10.80[9]	10.34[9]	10.57[7]	13.00[9]	11.38[9]
Thompson Falls	6.46	6.24	7.34	6.68	7.00	6.86
Whitefish	9.97	9.73	9.77	9.82	9.46	9.65
W.Yellowstone–Alley[8]	nd	nd	nd	nd	8.33	nd
YNP - West Entrance	4.68	3.67	4.26	4.20	5.09	4.24

nd = no monitoring data

* = includes data affected by wildfire smoke

1 Excludes data ≥ 35 μg/m^3 flagged & concurred by EPA as 'exceptional event', e.g. wildfire smoke

2 Average of annual means based on the 3-yr periods of 2004-2006

3 Excludes flagged data either ≥ 35 μg/m^3 or contributing to a violation & likely to be concurred by EPA as 'exceptional event' (wildfires)

4 Average of annual means based on the 3-yr periods of 2004-2006

5 Libby is currently designated as non-attainment for the 1997 PM2.5 annual standard

6 Monitor moved in 2005 and the 2005 data from both sites was combined for an estimated 2005 avg.

7 New site with very few samples collected in first year; not enough data for valid 3-yr average.

8 FRM sampling started at this site in 2007.

9 Failed 75% data recovery requirement, annual mean not valid.

10 Annual means were calculated as required by 40 CFR Part 50 Appendix N for only these sites.

Red = currently designated noncompliant with the annual standard of 15.0 μg/m^3.
Orange = potential for noncompliance, criteria is within 15% of the NAAQS

Table 4. Current PM10 Non-Attainment Areas

Community	Whitefish	Butte	Thompson Falls	Kalispell	Libby	Missoula	Columbia Falls
Historic Max. Violation Value[1] (24-hr avg in µg/m^3)	333	302	261	260	256	239	186

1 The highest monitored value from the time period with violations of the 24-hour standard.

Table 5. Potential PM2.5 Non-Attainment Areas

Community	Based on 2004-2006 Data		Based on 2005-2007 Data	
	98th Percentile[2]	Annual Mean[3]	98th Percentile[2]	Annual Mean[3]
Libby[1,7]		15.00		14.67
Missoula[7]		10.31	35.2	10.18
Butte[7]	34.9	9.78	33.7	10.54
Hamilton		8.60	32.1	8.69
Seeley Lake	28.7	10.57[4]	31.0	11.38[4]
Belgrade	29.1	9.29[4]	30.0	9.74[4]
Helena	31.9	7.92	29.5	8.07
W. Yellowstone[5]	nd	nd	30.0	8.33[6]

nd = no monitoring data
1 Libby is currently designated as non-attainment under the 1997 PM2.5 annual standard.
2 3-Year average of 98th percentile values.
3 3-Year average of annual means.
4 Data recovery rate < 75%, annual mean not valid.
5 FRM sampling started at this site in 2007.
6 Mean not valid < 3 years of data.
7 Annual means were calculated as required by 40 CFR Part 50 Appendix N for only these sites.

Red = currently demonstrating noncompliance
Orange = potential for noncompliance, criteria is within 15% of the NAAQS

EXHIBIT A-11

Budget Per Pupil/Tax Levy Per Pupil

Year 2007-2008

School	Total Budget	Students October Count	Budget Per Pupil
Corvallis	9,246,716	1,413	6,544
Stevensville Elem	4,313,675	615	7,014
Stevensville HS	3,844,872	426	9,026
Hamilton	10,696,135	1,616	6,619
Victor	2,354,712	349	6,747
Darby	3,918,507	435	9,008
Lone Rock Elem	2,010,732	301	6,680
Florence	6,004,225	898	6,686

NOTE: 1. This does not include any federal funds or budget for federal programs. This makes these figures reflect budget and revenue only from state, county and local sources.

School	Total Tax Except Capital	Students October Count	County & State Levy*	Tax Levy Per Pupil Exc Capital	Total Capital	Per Pupil Tax Capital	Total Tax Levy Inc Capital	Tax Levy Per Pupil Inc Capital
Corvallis	1,894,368	1,413	941,511	2,007	166,126	117.57	3,002,005	2,125
Stevensville Elem	1,077,017	615	412,448	2,422	120,541	196.00	1,610,006	2,618
Stevensville HS	818,794	426	329,287	2,695			1,148,081	2,695
Hamilton	2,714,396	1,616	1,050,013	2,329	909,210	562.63	4,673,619	2,892
Victor	468,192	349	202,861	1,923	297,013	851.04	968,066	2,774
Darby	1,022,738	435	371,211	3,204		0.00	1,393,949	3,204
Lone Rock Elem	432,039	301	223,920	2,179	102,211	339.57	758,170	2,519
Florence	1,234,419	898	776,153	2,239	24,542	27.33	2,035,114	2,266

NOTE: * County levied Retirement and Transportation

RECEIVED
JUN 24 2008
Ravalli County Planning Dept.

EXHIBIT B-1

IC-08-06-195

Ravalli County Commissioners &
The Planning Dept.

Please do not allow the Clam Bake Agricultural Revocation.
Our neighborhood has already been impacted enough. The increase in traffic is not welcome.
Our view and quality of life is disappearing.
The natural environment is becoming non existant.
The animals (wildlife) are losing their right to explore & feed. They are being squeezed out.
Please refuse this and any other efforts to develop our area.

Shirley Alief
127 West Bridge Rd.
Hamilton, MT. 59840