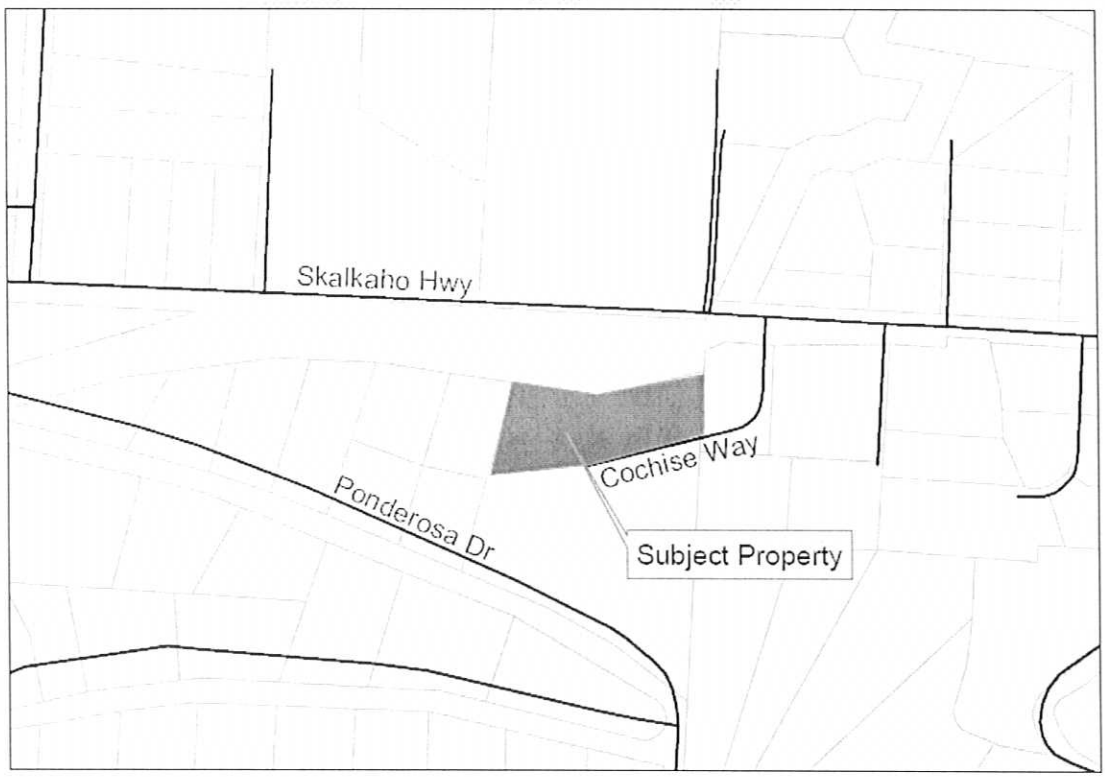
NORTH PARK, BONANZA LANDS NO. 2, AP 612127, LOTS 1 & 2, AP
FOUR-LOT SUBSEQUENT MINOR SUBDIVISION

DRAFT STAFF REPORT FOR PLANNING BOARD

CASE PLANNER:	Jon Wickersham
REVIEWED/ APPROVED BY:	Tristan Riddell TR
PUBLIC HEARINGS/ MEETINGS:	Planning Board Public Meeting: 3:00 p.m. October 21, 2009 BCC Public Meeting: 2:00 p.m. November 5, 2009 Deadline for BCC action (35 working days): November 12, 2009
APPLICANT/ OWNER:	Jeff Reynolds PO Box 404 Hamilton, MT 59840
REPRESENTATIVE:	Alcyon, LLC PO Box 218 Hamilton, MT 59840
LOCATION OF REQUEST:	The property is located southeast of Hamilton off Skalkaho Highway. *(See Map 1)*



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

LEGAL DESCRIPTION OF PROPERTY:	A portion of the NE ¼ of Section 18, T5N, R20W, P.M.M., Ravalli County, Montana.
APPLICATION INFORMATION:	The subdivision application was deemed sufficient on September 22, 2009. Agencies were notified of the subdivision on September 22, 2009. Comments received by the Planning Department not included in the application packet are Exhibits A-1 through A-7 of the staff report. **This subdivision is being reviewed under the subdivision 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 dated September 22, 2009. No public comments have been received to date.
DEVELOPMENT PATTERN:	Subject property: Vacant North: Low Density Residential/Agricultural South: Residential East: Residential West: Residential

INTRODUCTION

North Park Bonanza Lands No. 2 Minor subdivision was filed on January 13, 2009 as a 5 lot subdivision. The North Park, Bonanza Lands No. 2, Lots 1 & 2 AP 612127 subsequent minor subdivision is a four-lot subdivision of 4.00 acres located south of Hamilton. The proposed subsequent minor subdivision is located in an area of residential use. All lots are proposed for residential use. The proposed development was originally platted as dedicated land to Ravalli County as a result of the Bonanza Lands No. 2 development. Ravalli County sold the lot to Jeff Reynolds in 2007.

Staff recommends conditional approval of the subdivision proposal.

RAVALLI COUNTY PLANNING BOARD
OCTOBER 21, 2009

NORTH PARK, BONANZA LANDS NO. 2, AP 612127, LOTS 1 & 2, AP
FOUR-LOT SUBSEQUENT MINOR SUBDIVISION

RECOMMENDED MOTION

That the North Park, Bonanza Lands No.2, AP, Subsequent Minor Subdivision be ***approved***, based on the findings of fact and conclusions of law in the staff report and subject to the conditions in the staff report.

RECOMMENDED MITIGATING CONDITIONS OF APPROVAL FOR THE SUBDIVISION

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

1. Prior to final plat approval, the subdivider shall amend the Notifications to Future Property Owners and the Covenants documents, which were filed with the North Park, Bonanza Lands No.2 first minor subdivision, to include the newly proposed lots. (*Effects on all seven criteria)*

2. The subdivider shall provide evidence with the final plat submittal that they have applied for County-issued addresses for each lot within this subdivision. *(Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health & Safety)*

3. Prior to final plat approval, the subdivider shall provide a letter from the Hamilton Rural Fire District stating that the subdivider has provided the required 1,000 gallon-per-minute water supply or 2,500 gallon-per-lot water storage for fire protection for all lots. Alternatively, the subdivider may provide evidence that a $900 per lot contribution, for the two new lots, has been submitted to the Hamilton Rural Fire District with the final plat 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)*

4. The following statement shall be shown on the final plat: "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)*

5. The final plat shall show a no-ingress/egress zone along the driveway easement for lot 2B. *(Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health and Safety)*

6. The applicant shall provide evidence that they have worked with the Hamilton Post Office to ensure mail delivery to the subdivision meets the Hamilton Post Office requirements, and that any installation has been approved by the Hamilton Post Office prior to final plat approval. *Section 3-2-8(b)(v)(C), RCSR, Effects on Local Services)*

7. The subdivider shall submit a letter or receipt from the Hamilton School District stating that they have received an (amount) per lot contribution, for the two new lots, prior to final plat approval. *(Section 3-2-8(b)(v), RCSR, Effects on Local Services)*

8. The subdivider shall submit an (amount) per lot contribution, for the two new lots, 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. (*Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health & Safety)*)

FINAL PLAT REQUIREMENTS (RAVALLI COUNTY SUBDIVISION REGULATIONS)

The following items shall be included in the final plat submittal, as required by the Ravalli County Subdivision Regulations, Section 3-4-4(a) et seq. Those items that are not required of this subdivision have been noted by strikethrough.

1. A statement from the project surveyor or engineer outlining how each final plat requirement or condition of approval has been satisfied shall be submitted with the final plat submittal.
2. One paper and two mylar 18" x 24" or larger copies of the final plat, completed in accordance with the Uniform Standards for Final Subdivisions Plats (ARM 8.94.3003). (One paper copy may be submitted for the first proofing.) shall be submitted prior to final plat approval. The final plat shall conform to the preliminary plat decision. The following features are required on the Final Plat:
    (a) Project name
    (b) Title block
    (c) Certificate of registered owner – notarized
    (d) Certificate of registered land surveyor with seal
    (e) Certificate of governing body approval
    (f) Signature block for Clerk and Recorder, preferably in lower right hand corner
    (g) Certificate of public dedication
    (h) Certificate of park cash-in-lieu payment
    (i) Other certifications as appropriate
    (j) North arrow
    (k) Graphic scale
    (l) Legal description
    (m) Property boundaries (bearings, lengths, curve data)
    (n) Pertinent section corners and subdivision corners
    (o) Names of adjoining subdivisions/certificates of survey
    (p) Monuments found
    (q) Witness monuments
    (r) Acreage of subject parcel
    (s) Curve data (radius, arc length, notation of non-tangent curves)
    (t) Line data (lengths to tenths of a foot, angles/bearings to nearest minute)
    (u) Lots and blocks designated by number (dimensions/acreage)
    (v) Easements/rights of ways (location, width, purpose, ownership)
    (w) Dedication for public use (boundaries, area, purpose)
    (x) ~~No-build/alteration zones~~
    (y) No-ingress/egress zones
    (z) Water resources (rivers, ponds, etc.)
    (aa) ~~Floodplains~~
    (bb) Irrigation canals including diversion point(s), etc.
    (cc) ~~High-pressure gas lines~~
    (dd) Existing and new roads (names, ownership, etc.)
3. The original copy of the preliminary plat decision shall be submitted with the final plat submittal.
4. Any variance decisions shall be submitted with the final plat submittal.

5. Copies of extensions of the preliminary plat approval period shall be submitted with the final plat submittal.
6. The final plat review fee shall be submitted with the final plat submittal.
7. ~~A Consent to Plat form, including notarized signatures of all owners of interest, if the developer is not the underlying title holder, shall be submitted with the final plat submittal.~~
8. A Title Report or updated Abstract dated no less than one (1) year prior to the date of submittal shall be submitted with the final plat submittal.
9. The DEQ Certificate of Subdivision Approval or RCEH approval shall be submitted with the final plat submittal.
10. ~~Copy of the General Discharge Permit for Stormwater Associated with Construction Activity from the DEQ shall be submitted with the final plat submittal.~~
11. The approved Ground Disturbance and Noxious Weed Management Plan for the control of noxious weeds and the re-vegetation of all soils disturbed within the subdivision shall be submitted with the final plat submittal.
12. A copy of the appraisal report, per Section 6-1-7, dated no less than six (6) months from the date of the submittal, for calculating the cash-in-lieu of parkland dedication and a receipt from the County Treasurer's Office for the payment of cash-in-lieu of parkland dedication, shall be submitted with the final plat submittal.
13. An approved MDT approach and encroachment permit shall be submitted with the final plat submittal.
14. ~~Evidence of a Ravalli County-approved road name petition(s) for each new road shall be submitted with the final plat submittal.~~
15. ~~Engineering plans and specifications for all central water and sewer systems and any other infrastructure improvements requiring engineered plans shall be submitted with the final plat submittal.~~
16. ~~Final Road Plans and Grading and Storm Water Drainage Plan shall be submitted with the final plat submittal.~~
17. Road certification(s) shall be submitted with the final plat submittal.
18. Utility availability certification(s) shall be submitted with the final plat submittal.
19. Road/common access maintenance agreement(s), signed and notarized, shall be submitted with the final plat submittal.
20. A signed and notarized master irrigation plan, or if one is not required, written and notarized documentation showing how the water rights are to be divided or written and notarized documentation indicating that the water rights will be removed from the property shall be submitted with the final plat submittal.
21. ~~A notarized statement from each downstream water user specifically authorizing any alteration, such as installation of culverts, bridges, etc., or relocation of an irrigation ditch shall be submitted with the final plat submittal~~.
22. Protective covenants to be filed with the final plat that are signed and notarized shall be submitted with the final plat submittal.
23. ~~Copies of permits issued by the Bitterroot Conservation District or the US Army Corps of Engineers when construction occurs on environmentally sensitive features shall be submitted with the final plat submittal.~~
24. A copy of the letter sent to the appropriate school district(s) stating the applicant has made or is not willing to make a voluntary contribution to the school district to mitigate impacts of the subdivision on the school district that are not related to capital facilities; shall be submitted with the final plat submittal.
25. Signed and notarized homeowner association documents, including bylaws, covenants, and/or declarations shall be submitted with the final plat submittal.
26. Evidence that improvements have been made in accordance with the conditions of approval and requirements of final plat approval and certified by the subdivider, Professional Engineer, or contractor, as may be appropriate and required, shall be submitted with the final plat submittal. A Professional Engineer's certification shall be required in any instance where

engineered plans are required for the improvement. Alternatively, an improvements agreement and guaranty shall be required. (Refer to Section 3-4-2.)

(a) Specific infrastructure improvements potential required for this subdivision are the installation of a mail delivery system in accordance with Hamilton Post Office requirements. (RCSR 3-4-4(a))

DRAFT

SUBDIVISION REPORT

COMPLIANCE WITH PREREQUISITES TO APPROVAL

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

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

Findings of Fact

1. Existing utility easements are located along Cochise Way. (North Park, Bonanza Lands No.2, AP Application)
2. Cochise Way, an existing privately maintained road, is situated within a 60-foot public road and utility easement. (North Park, Bonanza Lands No.2, AP Preliminary Plat)

Conclusions of Law

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

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

Findings of Fact

1. The subject property gains legal and physical access from US Highway 93, Skalkaho Highway and Cochise Way. (North Park, Bonanza Lands No.2, AP, Subdivision File, Ravalli County GIS Data)
2. US Highway 93 is a state operated roadway. (North Park, Bonanza Lands No.2, AP, Preliminary Plat)
3. Skalkaho is a state operated roadway. (North Park, Bonanza Lands No.2, AP, Preliminary Plat)
4. The internal road, Cochise Way, will provide legal and physical access to all lots within the subdivision via a 60-foot wide public road and utility easement. (North Park, Bonanza Lands No.2, AP, Preliminary Plat)

Conclusion of Law

Based on the classifications of the roads providing access to the subdivision, staff has determined that both legal and physical access will be provided to all lots within the subdivision. (Staff Determination)

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

Finding of Fact

1. Based on recommended conditions and final plat requirements in accordance with Section 3-4-4(a) of the RCSR, specific infrastructure improvements potential required for this subdivision are the installation of a mail delivery system in accordance with Hamilton Post Office requirements. (RCSR 3-4-4(a))

Conclusions of Law

1. The applicant is required to submit evidence that the improvements have been made in accordance with the conditions of approval and requirements of final plat approval and certified by the applicant prior to final plat approval (Final Plat Requirements 1 and 27).

2. The final plat requirements or an improvements agreement and guaranty will ensure that all improvements are installed. (Staff Determination)

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

Findings of Fact

1. The average lot size of this subdivision is 1.0 acre. (Subdivision Application Form – North Park, Bonanza Lands No.2, AP)
2. The subject property has no water rights. (Subdivision Application Form - North Park, Bonanza Lands No.2, AP)

Conclusions of Law

1. 76-3-504(1)(j), MCA states that when a subdivision creates parcels with lot sizes averaging less than 5 acres, the subdivider is required to:
   a. Reserve all or a portion of the appropriation water rights owned by the owner of the land to be subdivided and transfer the water rights to a single entity for use by landowners within the subdivision who have a legal right to the water and reserve and sever any remaining surface water rights from the land;
   b. If the land to be subdivided is subject to a contract or interest in a public or private entity formed to provide the use of a water right on the subdivision lots, establish a landowner's water use agreement administered through a single entity that specifies administration and the rights and responsibilities of landowners within the subdivision who have a legal right and access to the water; or
   c. Reserve and sever all surface water rights from the land.
2. Because the proposal does not have water rights, MCA 76-3-504(1)(j) does not apply. (Staff Determination)

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

Finding of Fact

1. There is an existing 20-foot wide irrigation easement along the eastern boundary of Lot 1A. (North Park, Bonanza Lands No.2, AP, Preliminary Plat)

Conclusions of Law

1. 76-3-504(1)(k) MCA states that, except as provided in subsection (1)(k)(ii) the applicant is required to establish ditch easements in the subdivision 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 subdivision 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.

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

Finding of Fact

1. The parkland dedication requirement is 0.30 acres (North Park, Bonanza Lands No.2, AP, Subdivision application)
2. All lots within the subdivision are proposed for residential use. (North Park, Bonanza Lands No.2, AP, Subdivision application)
3. The subdivider has proposed cash-in-lieu of parkland dedication. (North Park, Bonanza Lands No.2, AP, Subdivision application)

Conclusions of Law

1. Parkland dedication or cash-in-lieu is required of subsequent minor subdivisions. (RCSR Section 6-1-5 (b)(1))
2. With the acceptance of cash-in-lieu parkland dedication, the parkland requirement will be met. (Staff Determination)

COMPLIANCE WITH APPLICABLE REGULATIONS

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

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

Findings of Fact

1. The lot layout as indicated on the preliminary plat meets the design standards in Chapter 5 of the RCSR. (North Park, Bonanza Lands No.2, AP, Preliminary Plat)
2. This development plan proposal has followed the necessary application procedures and has been reviewed within the procedures provided in Chapter 3 of the Ravalli County Subdivision Regulations. (North Park, Bonanza Lands No.2, AP, Subdivision File)

Conclusions of Law

1. The preliminary plat and subdivision application meet all applicable standards required in the RCSR. (Staff Determination)
2. The procedures for the application and review of this proposed subdivision as outlined in Chapter 3 of the RCSR have been followed. (Staff Determination)

B. **Applicable zoning regulations.**

Findings of Fact

1. The unincorporated areas of Ravalli County are not zoned, excepting Citizen Initiated Zoning Districts. (Ravalli County Clerk & Recorder's Office, Ravalli County GIS Data)
2. The property is not within one of the Citizen Initiated Zoning Districts in Ravalli County. (Subdivision Application Form, Ravalli County Clerk & Recorder's Office, Ravalli County GIS Data)

Conclusion of Law

This subdivision meets all applicable zoning regulations. (Staff Determination)

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

Finding of Fact

1. There were covenants filed with the original Bonanza Lands No. 2 subdivision. (Subdivision Application Form - North Park, Bonanza Lands No.2, AP, Ravalli County Clerk & Recorder's Office)

2. The existing covenants do not regulate future subdivision or lot size. (Subdivision Application Form - North Park, Bonanza Lands No.2, AP, Ravalli County Clerk & Recorder's Office)

Conclusion of Law

The proposal is in conformance with existing restrictive covenants. (Staff Determination)

D. Other applicable regulations.

Findings of Fact

1. Following are regulations that may apply to this subdivision:
   (a) Montana Subdivision and Platting Act, Title 76, Chapter 3, MCA
   (b) Montana Sanitation in Subdivisions Act, Title 76, Chapter 4, MCA
   (c) Ravalli County Subsurface Wastewater Treatment and Disposal Regulations
   (d) Montana Standards for Subdivision Storm Drainage (DEQ Circular 8)
   (e) 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.)
   (f) The applicants were made aware of the applicable regulations at the pre-application conference held on April 15, 2009. (Subdivision Application Form - North Park, Bonanza Lands No.2, AP)

Conclusions of Law

1. Prior to final plat approval, the applicants are required to submit permits and evidence that they have met all applicable regulations. (Section 3-4-4(a), RCSR)
2. With the requirements of final plat approval, the application will meet all of the applicable regulations. (Staff Determination)

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

GENERAL BACKGROUND

Findings of Fact:

1. North Park, Bonanza Lands No.2, AP, is a proposed subsequent minor subdivision that will result in four 1.0 acre lots. (Subdivision Application Form - North Park, Bonanza Lands No.2, AP)
2. The original plat for the North Park, Bonanza Lands No. 2 was filed on January 13, 2009 (AP #612127)
3. The property is currently owned by Jeff Reynolds. (Subdivision Application Form - North Park, Bonanza Lands No.2, AP, Application, Ravalli County GIS Data)
4. The property is located approximately two miles south of Hamilton off US Highway 93 and Skalkaho Highway. (Ravalli County GIS Data)

Conclusions of Law:

1. Ravalli County reviews a subdivision proposal for the following primary criteria: "the impact on agriculture, agricultural water user facilities, local services, the natural environment, wildlife, wildlife habitat, and public health and safety." (MCA 76-3-608(3), Section 3-2-8(b)(v), RCSR)
2. House Bill 486 was recently signed into law by the Governor on May 5, 2009. HB 486 amended MCA 76-3-608, which revises the primary subdivision review criteria to separate effects on wildlife and effects on wildlife habitat into separate review criteria. (House Bill 486, Exhibit A-1)

3. The subdivision will be reviewed for the following primary criteria: "the impact on agriculture, agricultural water user facilities, local services, the natural environment, wildlife, wildlife habitat, and public health and safety." (Staff Determination)
4. In subdivision review, Ravalli County "may require the subdivider to design the proposed subdivision to reasonably minimize potentially significant adverse impacts identified through review." (MCA 76-3-608(4))
5. When requiring mitigation, Ravalli County must consult the subdivider and "give due weight and consideration to the expressed preference of the subdivider." (MCA 76-3-608(5)(b))

CRITERION 1: EFFECTS ON AGRICULTURE

Findings of Fact:

1. The subject parcel is classified for tax purposes as residential rural. (Montana Cadastral Database created by Montana Department of Administration, Information Technology Services Division, Geographic Information Services)
2. The parcel was created as part of Bonanza Lands No. 2 and was donated to the County as parkland. The County later sold the parcel to the applicant.
3. According to the NRCS Web Soil Survey, there are no soils located on the property that are classified as either prime farmland or farmland of statewide importance. (North Park, Bonanza Lands No.2, AP Application, NRCS Web Soil Survey)
4. The applicant submitted a Ravalli County Subdivision Noxious Weed Evaluation Form that stated spotted knapweed was found on the property. (North Park, Bonanza Lands No.2, AP Application)
5. Restrictive covenants outlining the requirement to maintain noxious weeds on the property were filed with the original subdivision on January 13, 2009, and will apply to the newly created lots. (Staff Determination)

Conclusions of Law:

1. A subdivision proposal must be reviewed for its impacts on agriculture. (MCA 76-3-608(3), Section 3-2-8(b)(v)(A), RCSR)
2. 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. (7-22-2152, MCA)
3. The approved Ground Disturbance and Noxious Weed Management Plan is required to be submitted prior to final plat approval. (Final Plat Requirement 11)
4. With the mitigating condition of approval and requirements of final plat approval, the impacts of the subdivision on agriculture will be reduced. (Staff Determination)

Recommended Condition to Mitigate the Effects on Agriculture

Prior to final plat approval, the subdivider shall amend the Notifications to Future Property Owners and the Covenants documents, which were filed with the North Park, Bonanza Lands No.2 first minor subdivision, to include the newly proposed lots. (Condition 1)

CRITERION 2: EFFECTS ON AGRICULTURAL WATER USER FACILITIES

Findings of Fact

1. There are no water rights associated with the property. (North Park, Bonanza Lands No.2, AP Application)
2. The Hedge Ditch abuts the northern property boundary. (North Park, Bonanza Lands No.2, AP Application)
3. There is an existing irrigation fence along the northern property boundary along Hedge Ditch in accordance with Section 5-6-2(b) of the Ravalli County Subdivision Regulations.

4. There is an existing 20-foot wide irrigation easement along the eastern boundary of Lot 1A. (North Park, Bonanza Lands No.2, AP Application)
5. The placement of structures or the planting of vegetation other than grass within the irrigation easement is prohibited. (76-3-504(1)(k) MCA).
6. A notification regarding the restrictions associated with the irrigation easement was filed with the original subdivision. (Document #612133)
7. A restrictive covenant requiring Lots 1 and 2 and any subsequent divisions thereof, maintain the safety fencing along the Hedge Ditch was filed with the final plat application of the North Park, Bonanza Lands No. 2 Minor Subdivision. (Subdivision Application Form - North Park, Bonanza Lands No.2, AP, Ravalli County Clerk & Recorder's Office)

Conclusions of Law:

1. A subdivision proposal must be reviewed for its impacts on agricultural water user facilities. (MCA 76-3-608(3), RCSR Section 3-2-8(b)(v)(B))
2. The placement of structures or the planting of vegetation other than grass within the irrigation easement is prohibited. (MCA 76-3-504(1)(k))
3. A signed and notarized master irrigation plan, or if one is not required, written and notarized documentation showing how the water rights are to be divided or written and notarized documentation indicating that the water rights will be removed from the property shall be submitted with the final plat submittal. (Final Plat Requirement 20)
4. With the mitigating conditions of approval and requirement of final plat approval, impacts of the subdivision on agricultural water user facilities will be minimal. (Staff Determination)

Recommended Conditions to Mitigate the Effects on Agricultural Water User Facilities

- *Prior to final plat approval, the subdivider shall amend the Notifications to Future Property Owners and the Covenants documents, which were filed with the North Park, Bonanza Lands No.2 first minor subdivision, to include the newly proposed lots. (Condition 1)*
- *The 20-foot wide irrigation easement is required to be shown on the final plat, as shown on the preliminary plat. (Condition 14 and Final Plat Requirement 2)*

CRITERION 3: EFFECTS ON LOCAL SERVICES

Findings of Fact:

Fire Department

1. The subdivision is located within the Hamilton Rural Fire District. (Subdivision Application Form – North Park, Bonanza Lands No.2, AP, Subdivision File, Ravalli County GIS Data)
2. A notification letter was sent to the Hamilton Rural Fire District requesting comments on September 22, 2009 but no comments have been received. (North Park, Bonanza Lands No.2, AP, Subdivision File)
3. The Ravalli County Fire Council, which the Hamilton Rural Fire District is a member, has recently adopted amended Fire Protection Standards, which address access, posting of addresses, water supply requirements, and cash-in-lieu of water supply. The new Fire Protection Standards require a $900 per-lot contribution in-lieu of the required water supply. (Exhibit A-2)

School District

4. The proposed subdivision is located within the Hamilton School District. (Subdivision Application Form – North Park, Bonanza Lands No.2, AP, Subdivision File, Ravalli County GIS Data)
5. With this subdivision, it is estimated that approximately 1.0 school-aged child will be added to the Hamilton School District, assuming an average of 0.5 children per household. (Census 2000)

6. In a letter dated September 30, 2009, Phillip Santee, the Hamilton School District Superintendent, stated the Hamilton School District has not completed an impact fee study but requests the county asses an appropriate mitigation fee. (Exhibit A-3)
7. County School Superintendent, Ernie Jean, has provided the Planning Department the Budget Per Pupil/Tax Levy Per Pupil information for Ravalli County. According to the document, the budget per pupil would be $6,913 for the Hamilton School District. The tax levy per pupil excluding capital would be $2,595 for the Hamilton School District. (Exhibit A-4)
8. The applicant has offered to donate a voluntary monetary contribution to the Hamilton School District. (North Park, Bonanza Lands No.2, AP Application)
9. The County School Superintendent, Ernie Jean, sent a letter to the Ravalli County Commissioners stating that the Ravalli County Educational Transportation Committee recently adopted a resolution requesting that the Commissioners establish a requirement that the developers of each subdivision establish a shelter at a bus stop and turnout, or turnaround, if appropriate, at each subdivision entrance that is off a County owned and maintained road. (Exhibit A-5)

Public Safety

10. The Ravalli County Sheriff's Office provides law enforcement services to this area. (Subdivision Application Form - North Park, Bonanza Lands No.2, AP Application)
11. A notification letter was sent to the Ravalli County Sheriff's Office requesting comments on September 22, 2009, but no comments have been received to date. (North Park, Bonanza Lands No.2, AP, Subdivision File)
12. This proposed subdivision is located approximately 2 miles from the Sheriff's dispatch in Hamilton. (Subdivision Application Form - North Park, Bonanza Lands No.2, AP and Ravalli County GIS Data)
13. The average number of people per household in Ravalli County is 2.5. This subdivision is estimated to add 5 new people to the County. (Census 2000, Staff Determination)
14. The applicant has offered to donate a monetary contribution to Public Safety Services. (North Park, Bonanza Lands No.2, AP Application)

Roads

15. All new lots within this subdivision are proposed as residential. It is estimated at build-out that this subdivision could generate a total of 16 additional vehicular trips per day, assuming 8.0 trips per day per resident. (Subdivision Application Form – North Park, Bonanza Lands No.2, AP, Subdivision File)
16. The subject property gains legal and physical access from US Highway 93, Skalkaho Highway, and Cochise Way. (North Park, Bonanza Lands No.2, AP, Preliminary Plat, Ravalli County GIS Data)
17. US Highway 93 is a state operated roadway. (MDT)
18. US Highway 93 lies within an existing 80-foot public right-of-way. (MDT)
19. Skalkaho Highway is a state operated roadway. (MDT)
20. Skalkaho Highway lies within an existing 80-foot public right-of-way. (MDT)
21. The internal road, Cochise Way, will provide legal and physical access to all lots within the subdivision via a 60-foot wide public road and utility easement. (North Park, Bonanza Lands No.2, AP, Preliminary Plat)
22. Final road plans were submitted with the final plat application of the North Park, Bonanza Lands No. 2 Minor Subdivision. The Ravalli County Road and Bridge Department verified that the construction of Cochise Way was suitable for the addition of the two new proposed lots and associated traffic. (North Park, Bonanza Lands No.2, AP Application)
23. In an E-mail dated June 18, 2009, The Montana Department of Transportation stated upon subdivision approval, MDT will modify the approach permit to include the additional lots. (North Park, Bonanza Lands No.2, AP Application)

Ambulance Services

24. Ambulance services will be provided by Marcus Daly Memorial Hospital EMS Department. Marcus Daly Hospital was contacted on September 22, 2009, but no comments were received. (North Park, Bonanza Lands No.2, AP, Subdivision File)

Water and Wastewater Districts

25. The applicant is proposing individual wells and individual septic systems to serve the new lots. (Subdivision Application Form - North Park, Bonanza Lands No.2, AP Application)

Solid Waste Services

26. Bitterroot Disposal provides service to this site. (North Park, Bonanza Lands No.2, AP, Subdivision File)
27. A notification letter was sent to Bitterroot Disposal requesting comments on September 22, 2009, but no comments have been received to date. (North Park, Bonanza Lands No.2, AP, Subdivision File)

Mail Delivery Services

28. A notification letter was sent to the Hamilton Post Office requesting comments on September 22, 2009, but no comments have been received to date. (North Park, Bonanza Lands No.2, AP, Subdivision File)

Utilities

29. The proposed subdivision will be served by North Western Energy and Qwest Communications. (Subdivision Application Form – North Park, Bonanza Lands No.2, AP, Subdivision File)
30. A notification letter was sent to the utility companies requesting comments on September 22, 2009. No comments were received from any utility company. (North Park, Bonanza Lands No.2, AP, Subdivision File)
31. Existing utilities are located along Cochise Way. (North Park, Bonanza Lands No.2, AP, Preliminary Plat)

Conclusions of Law:

1. A subdivision proposal must be reviewed for its impacts on local services. (MCA 76-3-608(3), RCSR 3-2-8(b)(v)(C))

Fire District

2. Each lot shall be located within a fire district. (RCSR 5-7-4(a))

School District

3. A copy of the letter sent to the appropriate school district(s) stating the applicant has made or is not willing to make a voluntary contribution to the school district to mitigate impacts of the subdivision on the school district that are not related to capital facilities; shall be submitted with the final plat submittal. (Final Plat Requirement 24)
4. A governing body may not deny approval of a proposed subdivision based solely on the subdivision's impacts on educational services. (MCA 76-3-608(1))

Public Safety

5. Taxes from new residents may not be immediately available to law enforcement services, E-911, Office of Emergency Management (OEM) and Disaster & Emergency Services (DES). There is no available information on the average amount of time between when public safety services begin to serve a new residence and when public safety services receive tax money from that residence. (Staff Determination)

Roads

6. The applicant shall submit a final approved approach permit from the Montana Department of Transportation prior to final plat approval. (Final Plat Requirement 13)

Solid Waste Services

10. The method of solid waste disposal shall be specified during preliminary plat review. (RCSR 5-7-2(a))

Mail Delivery Services

11. Where mail delivery will not be provided to each individual lot, the subdivider shall provide an off-road area for central mail delivery within the subdivision (RCSR 5-7-3)

Utilities

12. Existing and proposed utility easements shall be shown on the final plat. (Final Plat Requirement 2)
13. The applicant shall submit utility availability certifications for the following services prior to final plat approval: electric, phone, and gas. (Final Plat Requirement 18)

14. With the mitigating conditions of approval and requirements of final plat approval, impacts of the subdivision on local services will be reduced. (Staff Determination)

Recommended Conditions to Mitigate the Effects on Local Services

- *Prior to final plat approval, the subdivider shall amend the Notifications to Future Property Owners and the Covenants documents, which were filed with the North Park, Bonanza Lands No.2 first minor subdivision, to include the newly proposed lots. (Condition 1)*
- *The applicant shall provide evidence with the final plat submittal that they have applied for County-issued addresses for each lot within this subdivision. (Conditions 2 and 4)*
- *Prior to final plat approval, the applicant shall provide a letter from the Hamilton Rural Fire District stating that the applicant have provided the required 1,000 gallon-per-minute water supply or 2,500 gallon-per-lot water storage for fire protection for each lot within this subdivision. Alternatively, the applicant may provide evidence that a $900-per-new-lot 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 plat: "The Ravalli County 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)*
- *The applicant shall negotiate adequate mitigation with the BCC to alleviate impacts of the subdivision on Public Safety Services (Sheriff, E-911, DES). The applicant shall ensure that the decided upon mitigation has been implemented prior to final plat approval. (Condition 7)*
- *The applicant shall provide evidence that have worked with the Hamilton Post Office to ensure mail delivery to the subdivision meets the Hamilton Post Office requirements, and that any installation has been approved by the Hamilton Post Office prior to final plat approval. (Condition 9)*
- *The final plat shall show a no-ingress/egress zone along the driveway easement for lot 2B. (Condition 8)*

CRITERION 4: EFFECTS ON NATURAL ENVIRONMENT

Findings of Fact:

Surface Water Feature

1. There are no streams, rivers, riparian areas or wetlands on or adjacent to the property. However, the Hedge Ditch abuts the northern property boundary. (Application, Site Visit, GIS Data)

Light Pollution

2. The addition of homes in an area that currently has lower density development has the potential to create 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)
3. A notification discussing light pollution was filed with the original subdivision. (Document #612133)

Air Quality

4. This proposed subdivision would add two new homes to an area of existing low density development. (North Park, Bonanza Lands No.2, AP, Preliminary Plat)
5. 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. (Exhibit A-6)
6. Sources of particulate from this subdivision could include the use of wood-burning stoves and pollution associated with increased traffic. (Staff Determination)
7. A notification regarding the recommendation to avoid installing wood burning stoves was filed with the original subdivision. (Document #612133)

Vegetation

8. The applicants submitted a Ravalli County Subdivision Noxious Weed Evaluation Form that stated spotted knapweed was found on the property. (Subdivision Application Form - North Park, Bonanza Lands No.2, AP, Subdivision Application)
9. The Montana Natural Heritage Program found that the Palish Sedge and the State Champion tree were found within the same sections as the subject property. (Subdivision Application Form - North Park, Bonanza Lands No.2, AP, Subdivision Application)

Historical/Archeological Sites

10. There are no known sites of historical significance on the property. (Subdivision Application Form - North Park, Bonanza Lands No.2, AP, Subdivision Application)
11. A notification describing historical and archeological sites was filed with the original subdivision (Document #612133)

Conclusions of Law:

1. A subdivision proposal must be reviewed for its impacts on the natural environment. (MCA 76-3-608(3), RCSR 3-2-8(b)(v)(D))

Vegetation

2. 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)

3. The approved Ground Disturbance and Noxious Weed Management Plan for the control of noxious weeds and the re-vegetation of all soils disturbed within the subdivision. (Final Plat Requirement 11)
4. Impacts from this subdivision on the natural environment will be reduced with the condition and requirements of final plat approval. (Staff Determination)

Recommended Condition to Mitigate the Effects on Natural Environment

Prior to final plat approval, the subdivider shall amend the Notifications to Future Property Owners and the Covenants documents, which were filed with the North Park, Bonanza Lands No.2 first minor subdivision, to include the newly proposed lots. (Condition 1)

CRITERION 5: EFFECTS ON WILDLIFE

Findings of Fact:

1. A notification letter was sent to Montana Fish, Wildlife, and Parks requesting comments on September 22, 2009, but no comments have been received. (Subdivision File)
2. "Living with Wildlife" covenants were filed with the original subdivision. (Document #612129)
3. According to the Montana Natural Heritage Program, the Townsend's Big-Eared Bat, and the Gray Wolf were identified as species of concern as they have been known to exist in the same section as the proposed subdivision. The subdivider requested and received a waiver from the requirement to submit a sensitive species report because of lack of habitat on the property for all species. (Exhibit A-7)

Conclusions of Law:

1. A subdivision proposal must be reviewed for its impacts on wildlife and wildlife habitat. (MCA 76-3-608(3), RCSR Section 3-2-8(b)(v)(E))
2. With the mitigating condition of approval imposed on the North Park, Bonanza Lands No. 2 Minor Subdivision, impacts on wildlife for this subsequent subdivision will be minimal. (Staff Determination)

Recommended Condition to Mitigate the Effects on Wildlife

Prior to final plat approval, the subdivider shall amend the Notifications to Future Property Owners and the Covenants documents, which were filed with the North Park, Bonanza Lands No.2 first minor subdivision, to include the newly proposed lots. (Condition 1)

CRITERION 6: EFFECTS ON WILDLIFE HABITAT

Findings of Fact:

1. The property is not located in mapped elk or mule deer winter range. (Ravalli County GIS Data)
2. According to the Montana Natural Heritage Program, the Townsend's Big-Eared Bat, and the Gray Wolf were identified as species of concern as they have been known to exist in the same section as the proposed subdivision. The subdivider requested and received a waiver from the requirement to submit a sensitive species report because of lack of habitat on the property for all species. (Exhibit A-7)
3. The property does not contain habitat appropriate for either of the identified species of concern. (Staff Determination)

Conclusions of Law:

1. A subdivision proposal must be reviewed for its impacts on wildlife and wildlife habitat. (MCA 76-3-608(3), RCSR Section 3-2-8(b)(v)(E))
2. With the mitigating condition of approval imposed on the North Park, Bonanza Lands No. 2 Minor Subdivision, impacts on wildlife for this subsequent subdivision will be minimal. (Staff

Determination)

Recommended Condition to Mitigate the Effects on Wildlife Habitat

Prior to final plat approval, the subdivider shall amend the Notifications to Future Property Owners and the Covenants documents, which were filed with the North Park, Bonanza Lands No.2 first minor subdivision, to include the newly proposed lots. (Condition 1)

CRITERION 7: EFFECTS ON PUBLIC HEALTH & SAFETY

Findings of Fact:

Traffic Safety

1. Access is proposed off Skalkaho Highway and Cochise Way from US Highway 93. (North Park, Bonanza Lands No.2, AP, Preliminary Plat)

Emergency Vehicle Access and Response Time

2. The proposed subdivision will be served by the Hamilton Rural Fire District, the Ravalli County Sheriff's Office, Ravalli County E-911, Ravalli County Office of Emergency Services, and Marcus Daly Memorial Hospital EMS Department. (North Park, Bonanza Lands No.2, AP, Subdivision File)

Water and Wastewater

3. The applicant is proposing individual wells and individual septic systems to serve the new lots. (Subdivision Application Form - North Park, Bonanza Lands No.2, AP, Subdivision Application)
4. The property had a site evaluation performed on July 2, 2009 by the Ravalli County Environmental Health Department. (North Park, Bonanza Lands No.2, AP, Subdivision Application)

Natural and Man-Made Hazards

5. According to a document titled "Radon and You, Promoting Public Awareness of Radon in Montana's Air and Ground Water" published by DEQ and the Montana Bureau of Mines and Geology, there is a high potential for radon in Ravalli County. (DEQ)
6. The preliminary plat and soils map indicate there are soil types on the property that are considered limited for construction of roads and/or buildings. (North Park, Bonanza Lands No.2, AP, Subdivision Application)
7. Notifications detailing the potential presence of radon and the locations of limited soils were filed with the original subdivision. (Document #612133)

Conclusions of Law:

1. A subdivision proposal must be reviewed for its impacts on public health and safety. (MCA 76-3-608(3), RCSR Section 3-2-8(b)(v)(F))

Traffic Safety

2. The requirements listed under Roads in Criterion 3 (Effects on Local Services) and the associated conditions will mitigate the impacts of the subdivision on traffic safety. (Staff Determination)

Emergency Vehicle Response Time

3. The requirements listed under Fire Department, Public Safety, Emergency Services, and Roads in Criterion 3 (Effects on Local Services) and the associated conditions will mitigate the impacts of the subdivision on emergency vehicle access and response time. (Staff Determination)

Water and Wastewater

4. The applicant is required to submit documentation from the RCEH stating their approval of the subdivision, or stating that the subdivision is exempt from review, prior to final approval. (Final Plat Requirement 9)

Natural and Man-Made Hazards

5. There are adherent risks associated with radon, and limited soils. (RCSR 5-2-2(1)(10), (11), and (12))
6. With the mitigating conditions of approval and requirements of final plat approval, impacts on Public Health & Safety will be reduced. (Staff Determination)

Recommended Conditions to Mitigate the Effects on Public Health & Safety

- *Prior to final plat approval, the subdivider shall amend the Notifications to Future Property Owners and the Covenants documents, which were filed with the North Park, Bonanza Lands No.2 first minor subdivision, to include the newly proposed lots. (Condition 1)*
- *The applicant shall provide evidence with the final plat submittal that they have applied for County-issued addresses for each lot within this subdivision. (Conditions 2 and 4)*
- *The applicant shall negotiate adequate mitigation with the BCC to alleviate impacts of the subdivision on Public Safety Services (Sheriff, E-911, DES). The applicant shall ensure that the decided upon mitigation has been implemented prior to final plat approval. (Condition 6)*

(2) All fees, costs, or other money paid by a subdivider under this section must be expended on the capital facilities for which the payments were required."

Section 17. Section 76-3-608, MCA, is amended to read:

"76-3-608. **Criteria for local government review.** (1) The basis for the governing body's decision to approve, conditionally approve, or deny a proposed subdivision is whether the subdivision application, preliminary plat, applicable environmental assessment, public hearing, planning board recommendations, or additional information demonstrates that development of the proposed subdivision meets the requirements of this chapter. A governing body may not deny approval of a proposed subdivision based solely on the subdivision's impacts on educational services.

(2) The governing body shall issue written findings of fact that weigh the criteria in subsection (3), as applicable.

(3) A subdivision proposal must undergo review for the following primary criteria:

(a) except when the governing body has established an exemption pursuant to subsection (6) of this section or except as provided in 76-3-509, 76-3-609(2) or (4), or 76-3-616, the impact on agriculture, agricultural water user facilities, local services, the natural environment, wildlife, ~~and~~ wildlife habitat, and public health and safety;

(b) compliance with:

(i) the survey requirements provided for in part 4 of this chapter;

(ii) the local subdivision regulations provided for in part 5 of this chapter; and

(iii) the local subdivision review procedure provided for in this part;

(c) the provision of easements within and to the proposed subdivision for the location and installation of any planned utilities; and

(d) the provision of legal and physical access to each parcel within the proposed subdivision and the required notation of that access on the applicable plat and any instrument of transfer concerning the parcel.

(4) The governing body may require the subdivider to design the proposed subdivision to reasonably minimize potentially significant adverse impacts identified through the review required under subsection (3). The governing body shall issue written findings to justify the reasonable mitigation required under this subsection (4).

(5) (a) In reviewing a proposed subdivision under subsection (3) and when requiring mitigation under

EXHIBIT A-1

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

Ravalli County Fire Council
Ravalli County, Montana
November 2008

FIRE PROTECTION STANDARDS

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

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

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

ACCESS ROADS

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

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

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

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

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

Exhibit A-2

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

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

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

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

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

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

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

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

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

BUILDING STANDARDS

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

FIRE FLOW REQUIREMENTS

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

Single-Family Dwellings:

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

Fire Flow Requirement Options

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

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

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

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

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

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

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

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

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

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

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

Ravalli County Fire Council:

Florence Volunteer Fire District

Three Mile Volunteer Fire District

Stevensville Rural Volunteer Fire District

Pinesdale Volunteer Fire District

Victor Volunteer Fire District

Corvallis Volunteer Fire District

Hamilton Rural Fire District

Darby Volunteer Fire District

Sula Volunteer Fire District

West Fork Volunteer Fire District

PAT CHF

Painted Rocks Volunteer Fire District

Hamilton School District
217 Daly Avenue
Hamilton, MT 59840
voice: 406-363-2280 x500
fax: 406-363-1843

RECEIVED
OCT 05 2009
IC-09-10-732
Ravalli County Planning Dept.

Ravalli County Planning Department
215 South 4th Street – Suite F
Hamilton, MT 59840

September 30, 2009

RE: North Park, Bonanza Lands No.2 – Lots 1 and 2

Dear Mr. Fifrick:

Your letter to the Hamilton School District dated September 22, 2009, requested comments about the above stated subdivision.

The District wants to have on record that it will not provide transportation services to any students who do not live on county maintained roads and/or do not have an adequate bus turn around area.

The Hamilton School District has not conducted an impact fee study for our district, but we would like to request that the county assess a mitigation fee that they feel is appropriate for this project on behalf of the district.

Thank you for your time and consideration.

Sincerely,

Philip D. Santee

Mr. Phillip D. Santee, Superintendent
Hamilton School District #3

PDS/cb

EXHIBIT A-3

RECEIVED
AUG 10 2009
IC-07-08-608
Ravalli County Planning Dept.

Budget Per Pupil/Tax Levy Per Pupil

Year 2008-2009

School	Total Budget	Students October Count	Budget Per Pupil
Corvallis	9,686,688	1,440	6,727
Stevensville Elem	4,606,392	639	7,209
Stevensville HS	3,990,733	457	8,732
Hamilton	11,455,380	1657	6,913
Victor	2,516,347	376	6,692
Darby	3,952,902	457	8,650
Lone Rock Elem	2,026,281	317	6,392
Florence	6,245,720	917	6,811

NOTE: 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 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	1,945,571	1,440	960,886	2,018	158,095	109.79	3,064,552	2,128
Stevensville Elem	853,220	639	425,003	2,000	198,155	310.10	1,476,378	2,310
Stevensville HS	1,062,245	457	321,675	3,028	0	0.00	1,383,920	3,028
Hamilton	3,147,024	1,657	1,153,576	2,595	934,563	564.01	5,235,163	3,159
Victor	554,255	376	261,145	2,169	325,709	866.25	1,141,109	3,035
Darby	1,227,438	457	412,405	3,588	0	0.00	1,639,843	3,588
Lone Rock Elem	438,161	317	231,000	2,111	103,686	327.09	772,847	2,438
Florence	1,468,060	917	591,759	2,246	35,194	38.38	2,095,013	2,285

NOTES:

1 Total Tax except capital - local taxes excluding debt service
2 Student October Count - The first offical student count day
3 County Levy - The county levies for districts retirement and transportation
4 Tax Levy per pupil - total tax plus county levy divided by the student October count
5 Total Capital - Amount levied for debt service
6 Tax Capital per pupil - Cost per pupil for debt service
7 Total Tax levy plus Capital Tax - all levied dollars for schools
8 Total Tax levy plus Capital Tax - all levied dollars for schools per pupil

EXHIBIT A-4

RECEIVED

OCT 15 2007

IC-07-10-1305

Ravalli County Planning Dept.

Ravalli County MONTANA

RECEIVED

OCT 15 2007

Ravalli County Commissioners

October 15, 2007

James Rokosch, Chair
Ravalli County Commissioners
215 South 4th Street, Suite A
Hamilton, MT 59840

Dear Commissioner Rokosch,

In the last meeting of the Ravalli County Educational Transportation Committee a discussion was held concerning the new sub-divisions in Ravalli County. There was a great concern for the safety of the children who attend Ravalli County schools and who live with the varying conditions in the variety of subdivisions in the county.

Therefore, the group unanimously adopted a resolution requesting the Commissioners establish a requirement that the developers of each subdivision establish a shelter at a bus stop and a possible turnout, or turn around if appropriate, at each subdivision entrance that is off the county owned and maintained road.

Sincerely,

Ernie Jean

Ernie Jean, EdD
County Superintendent

EXHIBIT A-5

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'

EXHIBIT A-6

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 $\mu g/m^3$)	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]	43.1	15.00	41.3	14.67
Missoula[7]	39.8	10.31	35.2	10.18
Butte[7]	34.9	9.78	33.7	10.54
Hamilton	37.7	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

August 14, 2009
Re: Sensitive Species waiver, North Park, Bonanza Lands No. 2, Lots 1 & 2 AP Subdivision (Reynolds)

Tristan-

I reviewed the Sensitive Species Report/Wavier request prepared for the North Park, Bonanza Lands No. 2, Lots 1 & 2, AP Subdivision on August 14, 2009. The waiver request covers the gray wolf and Townsend's big-eared bat as identified by MNHP. Based on site visits, habitat information, and the aerial photo, I would concur with the developers request to waive a full sensitive species report. This property was subdivided last year and a road constructed. The previous subdivision received a waiver for all species and nothing has changed since that time except for the construction of the road which I'm sure did not improve the habitat for any of these species. There is no habitat on the property to support either of these species.

Please find attached the waiver request from George Marshall, an aerial photo, and the MNHP map showing the location of the sensitive species.

Please review and provide comment.

Thank you,

Randy Fifrick

Approved
8/14/09
TR

EXHIBIT A-7