

COMMISSIONERS APPROVAL

IMAN *JR*

CHILCOTT *G*

FOSS *SF*

KANENWISHER *WN*

STOLTZ *RS*

PLETTENBERG (Clerk & Recorder)

Members Present..... Commissioner J.R. Iman, Commissioner Greg Chilcott, Commissioner Suzy Foss, Commissioner Matt Kanenwisher and Commissioner Ron Stoltz

Date.....March 3, 2011

► Minutes: Beth Perkins

► The Board met for a public hearing for Grantsdale Addition Major Subdivision at 9:00 a.m. Present were Civil Counsel Karen Mahar, Interim Planning Director Tristan Riddell, Representative Nathan Lucke, Paul Forsting, Owner Kent Kearns, David Ohnstad and several citizens.

Commissioner Iman opened the public hearing and requested any conflicts of interest be disclosed. Hearing none, he then requested the Planning Staff Report be read. Tristan presented the Board with two public comments received after the Staff Report was printed. One from Laura Gerber and the other from Carlotta Grandstaff. Commissioner Iman requested the comments be entered into the record.

Tristan presented the Staff Report as follows:

**GRANTSDALE ADDITION (KEARNS PROPERTIES, LLC)
ONE-HUNDRED EIGHTY ONE (181) RESIDENTIAL UNIT MAJOR SUBDIVISION
STAFF REPORT FOR BOARD OF COUNTY COMMISSIONERS**

CASE PLANNER: Tristan Riddell

REVIEWED BY: Aaron Wilson

**PUBLIC HEARINGS/
MEETINGS:**

Planning Board Public Meeting: 7:00 p.m. February 2, 2011

3:00 p.m. February 10, 2011
9:00 a.m. March 3, 2011

BCC Public Hearing:

**APPLICANT/
LANDOWNER:**

Kearns Properties, LLC
179 Joncar Court
Hamilton, MT 59840

REPRESENTATIVE:

Territorial-Landworks, Inc.
PO Box 3851
Missoula, MT 59806

LOCATION OF REQUEST:

The property is located southeast of Hamilton off of Skalkaho Highway. (See Map 1, below)

**LEGAL DESCRIPTION
OF PROPERTY:**

Tract C, Certificate of Survey #532279-R located in the SE ¼ SEC. 7, T6N, R20W, P.M.M., Ravalli County, Montana.

**APPLICATION
INFORMATION:**

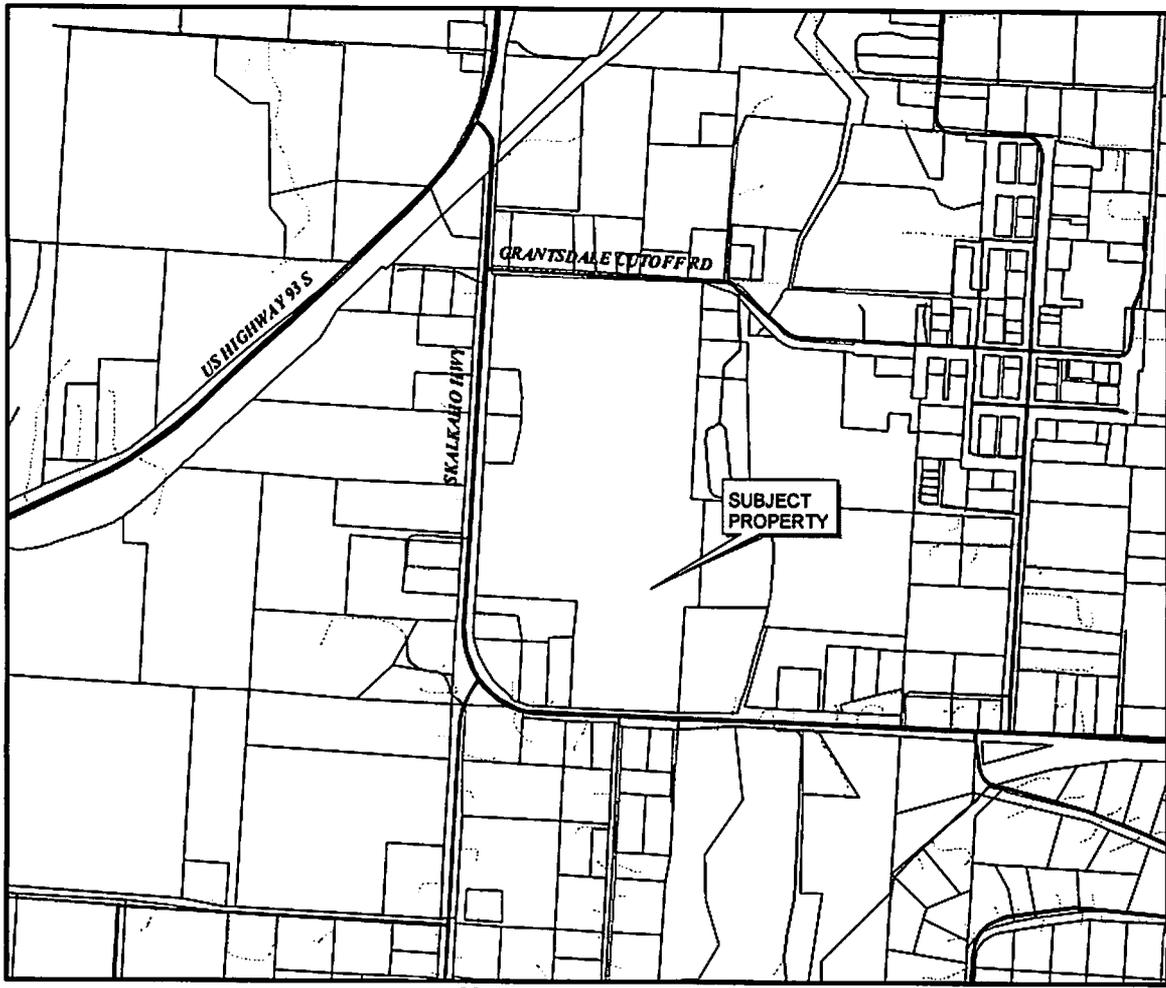
The subdivision application was deemed complete on November 18, 2010. Agencies were notified of the subdivision and comments received by the Planning Department not included in the application packet are included as Exhibits A-1 through A-12 of the staff report. **This subdivision is being reviewed under the subdivision regulations amended May 24, 2007.**

LEGAL NOTIFICATION:

A legal advertisement was published in the *Bitterroot Star* on Wednesday, January 26, 2011. Notice of the project was posted on the property and adjacent property owners were notified by regular mail postmarked December 1, 2010. Public comment letters are included as Exhibits B-1 through B-7.

**DEVELOPMENT
PATTERN:**

Subject property: Agricultural Rural
North: Commercial Rural/Residential Rural
South: Residential Rural
East: Trailer Court/Residential Rural
West: Residential Rural/Agricultural



Map 1: Location Map
(Source Data: Ravalli County GIS and Planning Departments)

INTRODUCTION & EXECUTIVE SUMMARY

The Granstdale Addition Major subdivision is a one-hundred and eighty one (181) lot major subdivision proposed on 67.85 acres. All of the lots are proposed for single-family residential use. Approximately 15 acres are proposed to be set aside as parkland and common areas. The applicant has reached an agreement with the Ravalli County Park Board to donate an approximately 9 acre parcel to the County which will be developed as a public park.

All lots will be served by an on-site community wastewater treatment system and an on-site community water supply system. There are no variance requests accompanying this proposal.

The project is proposed to be filed in six (6) separate phases over the course of 20 years. While it is challenging and time consuming to review a subdivision of this size and scale, phasing allows for, on the one hand, the cumulative analysis of all potentially significant adverse impacts of the entire subdivision on the seven criteria while, on the other hand, providing flexibility to the applicant to time when lots and units will reach the market.

Ravalli County does not have a lengthy history evaluating proposed subdivisions of this size and scope. However, like all subdivisions, the Planning Department, Planning Board, and the Board of County Commissioners must review this subdivision against seven primary review criteria, as mandated by State Law. The seven primary review criteria are discussed in detail in this report. During this review, potentially significant adverse impacts on the seven primary review criteria are typically identified, and those identified impacts must be eliminated, overcome or mitigated.

Each applicant necessarily takes a risk when proposing a subdivision. One must weigh the conditions of the market against hoped-for returns in deciding whether or not to pursue land division. Compounding this equation is now a nation-wide economic downturn and housing crisis that Ravalli County has not escaped. While some may question an applicant's motives in proposing to develop hundreds of new residential units during a time of economic uncertainty, the questions posed and criteria evaluated during subdivision review do not question the merits of an individual applicant's decision to move a project forward.

Staff recommends conditional approval of the subdivision proposal.

**RAVALLI COUNTY BOARD OF COMMISSIONERS
MARCH 3, 2011**

**GRANTSDALE ADDITION (KEARNS PROPERTIES, LLC)
ONE-HUNDRED EIGHTY ONE (181) RESIDENTIAL UNIT MAJOR SUBDIVISION**

RECOMMENDED MOTION

That the Grantsdale Addition Phased Major Subdivision be *approved*, based on the findings of fact and conclusions of law in the staff report and subject to the conditions and requirements in the staff report.

RECOMMENDED MITIGATING CONDITIONS OF APPROVAL FOR ALL PHASES

1. A document entitled "Notifications to Future Property Owners" that includes the following notifications and the attachments listed below that will apply to the entire subdivision shall be included in the submittal of the final plat for the first phase to the Planning Department and shall be filed with the final plat of the first phase:

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

Notification of Irrigation Facilities and Easement. Within this subdivision there is an irrigation easement, as shown on the final plat. All downstream water right holders have the right to maintain and repair their irrigation facilities whenever necessary to keep them in good condition. Activities associated with the maintenance of irrigation facilities may include the operation of heavy equipment, the occasional burning of ditch vegetation, and the use of herbicides. Downstream water right holders must approve any relocation or alteration (e.g. installation of a culvert) of irrigation ditches/pipelines. Any act that damages or destroys 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. Please contact Daly Ditches Irrigation District for more information. (*Section 3-2-8(b), Prerequisites to Approval and Section 3-2-8(b)(v)(B), RCSR, Effects on Agricultural Water User Facilities*)

Notification of Road Maintenance Agreement. Ravalli County, the State of Montana, or any other governmental entity does not maintain the internal subdivision roads and therefore does not assume any liability for improper maintenance or the lack thereof. A Road Maintenance Agreement for these roads was filed with this subdivision and outlines what parties are responsible for maintenance and under what conditions. (*Section 3-2-8(b)(v)(C), RCSR, Effects on Local Services*)

Notification of Limitation of Access onto a Public Road. A "no-ingress/egress" restriction exists along the Skalkaho Highway and Grantsdale Cutoff Road frontages of this subdivision, excepting the two (2) public approaches that provide access to all lots within the development. All lots within this subdivision shall access off the internal subdivision roads. This limitation of access may be lifted or amended only with the approval of the Ravalli County Board of County Commissioners. (*Section 3-2-8(b)(v)(C F), RCSR, Effects on Local Services and Public Health and Safety*)

Notification of Storm Water Drainage Facilities. Within this subdivision there are storm water drainage facilities intended to capture and channel storm water runoff. No structures may be placed within these facilities that are not needed for stormwater management. (*Section 3-2-8(b)(v)(D), RCSR, Effects on Natural Environment*)

Notification of Use of Wood Stoves. The County recommends that home owners install EPA-certified wood stoves to reduce air pollution. It is recommended that wood burning stoves not be used as the primary heat source. More information is available at <http://www.epa.gov/woodstoves/index.html>. The State of Montana offers an Alternative Energy Systems Credit for the cost of purchasing and installing a low emission wood or biomass combustion device such as a pellet or wood stove. (*Section 3-2-8(b)(v)(D), RCSR, Effects on Natural Environment*)

Notification of Open Burning Season. Open burning is allowed from March 1st through August 31st. From September 1st through November 30th call the DEQ ventilation hotline at 1-800-225-6779 prior to burning. Open burning is prohibited December 1st through February 28th. The only material that can be legally burned is wood waste from trees, shrubs, and plants originating on the property and clean, untreated wood generated on the property. You can review Montana open burning laws at <http://deq.mt.gov/dir/legal/Chapters/CH08-06.pdf>. (*Section 3-2-8(b)(v)(D, F), RCSR, Effects on Natural Environment and Public Health and Safety*)

Notification of Lighting for New Construction. To promote public health and safety, reduce energy consumption, and reduce impacts to nocturnal wildlife, full cut-off lighting is recommended for any new construction within this subdivision. A full cut-off fixture means a fixture, as installed, that is designed or shielded in such a manner that all light rays emitted by the fixture, either directly from the lamps or indirectly from the fixture, are projected below a horizontal plane through the lowest

point on the fixture where light is emitted. The source of light should be fully shielded on the top and sides, so as not to emit light upwards or sideways, but only allowing light to shine down towards the subject that is to be lighted. For more information, visit www.darksky.org. (*Section 3-2-8(b)(v)(D, F), RCSR, Effects on Natural Environment and Public Health and Safety*)

Notification of Living with Wildlife. See Exhibit A-11 for specific requirements. (*Section 3-2-8(b)(v)(A, E), RCSR, Effects on Wildlife and Effects on Wildlife Habitat*)

Notification of Potential Radon Exposure. There exists a 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 or the United States EPA for further information. (*Section 3-2-8(b)(v)(F), RCSR, Effects on Public Health & Safety*)

Notification Regarding Junk Vehicles. Junk vehicles are required to be removed, shielded, or repaired in accordance with the Montana Motor Vehicle Recycling and Disposal Act, Title 75, Chapter 10, Part 5, MCA. (*Section 3-2-8(b)(v)(C, F), RCSR, Effects on Public Health & Safety*)

2. Protective covenants for the entire subdivision shall be submitted with the final plat of the first phase and shall include the following provisions:

Posting of County-Issued Addresses for Lots within this Subdivision. 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 accessway leading to each lot as soon as construction on the structure begins. (*Section 3-2-8(b)(v)(C, F), RCSR, Effects on Local Services and Public Health & Safety*)

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

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

3. The applicant shall include an RSID/SID waiver in a notarized document filed with the subdivision plat for the first phase that is applicable to all phases that states the following: Owners and their successors-in-interest waive all rights in perpetuity to protest the creation of a special/rural improvement district for any purpose allowed by law, including: developing or expanding a community water system or a community wastewater treatment system for an incorporated municipality, improving and/or maintaining the roads that access the subdivision including (i.e. Grantsdale Cutoff Road, Skalkaho Highway, US Highway 93) related right-of-way, drainage structures, and traffic control signs, and constructing and/or maintaining any pedestrian facilities such as sidewalks, bike-lanes and trails. This waiver will expire 20 years after the date the final plat of the final phase is filed with the Ravalli County Clerk and Recorder. *(Section 3-2-8(b)(v)(C), RCSR; 76-3-608(7), MCA, Effects on Local Services)*
4. The applicant shall provide, with the final plat of each phase, evidence that they have applied for County-issued addresses for each lot within the proposed phase. *(Section 3-2-8(b)(v)(C, F), RCSR, Effects on Local Services and Public Health & Safety)*
5. Prior to final plat approval of each phase, the applicant shall provide a letter from the Hamilton Rural Fire District stating that the HRFD has reviewed and agreed upon the acceptance of mitigation. The agreed upon mitigation must be based on the following options:
 - a. Fire hydrants spaced every 500 feet with a required fire flow of no less than 1,500 GPM sustained for two hours with a minimum of 20 PSI, and
 - b. Water to be supplied by option #2 or #4 as outlined in the Fire Protection Standards; Or
 - c. A voluntary contribution payment of \$900 per-lot in lieu of the above outlined fire flow/water supply system; Or
 - d. Another alternative as approved by the HRFD.*(Section 3-2-8(b)(v)(C, F), RCSR, Effects on Local Services and Public Health & Safety)*
6. The following statement shall be shown on the final plat of each phase: "The All Valley Fire Council, which includes the Hamilton Rural Fire Department, has adopted Fire Protection Standards. All accesses, including driveways to residences over 150' in length, must have a minimum unobstructed travel surface width of 22', a vertical clearance of 13'6" and an all-weather surface that can accommodate the weight of a fire truck. Please contact the Hamilton Rural Fire Department for further information". *(Section 3-2-8(b)(v)(C, F), RCSR, Effects on Local Services and Public Health & Safety)*
7. The applicant shall negotiate mitigation and a plan for implementation of mitigation for each phase with the BCC to alleviate identified effects of the subdivision on the Hamilton School District. The applicant shall provide evidence that the decided upon mitigation for each phase has been implemented prior to final plat approval of the phase. *(Section 3-2-8(b)(v)(C), RCSR, Effects on Local Services)*
8. The applicant shall negotiate mitigation and a plan for implementation of mitigation for each phase with the BCC to alleviate identified effects of the subdivision on Public Safety Services (Sheriff, E-911, DES). The applicant shall provide evidence that the decided upon mitigation for each phase has been implemented prior to final

plat approval of the phase. (*Section 3-2-8(b)(v)(C, F), RCSR, Effects on Local Services and Public Health & Safety*)

9. The internal subdivision roads for each phase shall be labeled as “public road and utility easements” on the final plat for each phase. (*Section 3-2-8(b)(v)(C), RCSR, Effects on Local Services*)
10. Grading, drainage and stormwater plans required to be submitted to the County for review and approval shall be forwarded by the RCRBD to MDT for review and approval. Any impacts to State highway infrastructure as identified by MDT shall be mitigated and approved by MDT prior to final plat approval of each phase. (*Section 3-2-8(b)(v)(C) and Section 5-4-8, RCSR, Effects on Local Services*)
11. The applicant shall provide evidence that a Collection Box Unit(s) (CBU) has been installed atop a concrete slab, in accordance with the Hamilton post office’s standards, and that the installation has been approved by the Hamilton Post Office prior to final plat approval of each phase. Alternatively, the applicant shall provide evidence from the Hamilton Post Office that a CBU(s) is not required. (*Section 3-2-8(b)(v)(C), RCSR, Effects on Local Services*)
12. The applicant shall file an access and utility easement agreement that runs with the property legally described as Tract A of C.O.S 562279-R. The easement shall be for the exclusive use of the Grantsdale Utility Company, to provide public water supply facilities to the development. A copy of the easement agreement shall be provided to the County and approved prior to final plat approval. (*Section 3-2-8(a) and Section 3-2-8(b)(v)(C), Prerequisites for Approval and Effects on Local Services*)
13. The applicant shall install temporary turnarounds with a 50-foot radius at all locations that will provide future road connections throughout the subdivision. Each temporary turnaround shall be constructed with a compacted all weather travel surface capable of accommodating emergency service vehicles. (*Section 3-2-8(b)(v)(C, F), RCSR, Effects on Local Services and Public Health & Safety*)
14. The following statement shall be shown on the face of the final plat for each phase: “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)(D), RCSR, Effects on the Natural Environment*)
15. A Beneficial Water Use Permit for the public water supply facilities shall be obtained from the Montana Department of Natural Resources and Conservation prior to final plat approval of the first phase. Evidence of adequate water rights to supply each phase of the development must be submitted to the Ravalli County Planning Department prior to final plat approval of each phase. (*Section 3-2-8(b)(v)(B, D and F), RCSR, Effects on Agricultural Water User Facilities, Effects on the Natural Environment and Effects on Public Health & Safety*)

RECOMMENDED MITIGATING CONDITIONS OF APPROVAL SPECIFIC TO PHASE 1A

16. Prior to submitting the final plat for Phase 1A, the applicant shall submit an updated Traffic Impact Analysis (TIA) to MDT for review. The TIA shall include an analysis of the subdivisions impact on the design and function of the intersection of Skalkaho Highway and Grantsdale Cutoff Road. The applicant may be required to install an eastbound turn lane off Skalkaho Highway at the intersection of Grantsdale Cutoff Road based on findings of the TIA in conjunction with the necessity as determined by MDT. (*Section 3-2-8(b)(v)(C and F) and Section 5-4-8, RCSR, Effects on Local Services and Public Health & Safety*)
17. The applicant shall work with the Hamilton School District to determine if a bus shelter and/or school bus turnout(s) should be constructed near the Jackie Drive/Grantsdale Cutoff Road intersection. The applicant shall provide evidence that they have worked with the School District prior to final plat approval of Phase 1A. If any improvements are required, the applicant shall certify the improvements have been installed prior to final plat approval of Phase 1A. Easements for the required improvements, if needed, shall be shown on the final plat for Phases 1A. (*Section 3-2-8(b)(v)(C, F), RCSR, Effects on Local Services and Public Health & Safety*)
18. The final plat shall show a no-ingress/egress zone along the Grantsdale Cutoff Road frontage of the phase, excepting the approved approach for Jackie Drive, as approved by the Ravalli County Road & Bridge Department. (*Section 3-2-8(b)(v)(C, F), RCSR, Effects on Local Services and Public Health and Safety*)
19. The applicant shall improve Grantsdale Cutoff Road to County-standards for new construction over the entire property frontage beginning at the intersection with Skalkaho Highway and ending at the eastern property boundary of the subject property. (*Section 3-2-8(b)(v)(F) and Section 5-4-8, RCSR, Effects on Local Services and Public Health & Safety*)
20. The applicant shall construct pedestrian facilities in accordance with Attachment A. (*Section 3-2-8(b)(v)(F) and Section 5-4-8, RCSR, Effects on Local Services and Public Health & Safety*)
21. The applicant shall provide a letter from Daly Ditches Irrigation District indicating that the applicant has installed a flow meter at the diversion point with the Republican Ditch to monitor irrigation water flow that is acceptable to the district. (*Section 3-2-8(b)(v)(B), RCSR, Effects on Agricultural Water User Facilities*)
22. The applicant shall provide evidence that ownership of common area #2 has been transferred to Ravalli County. (*Section 3-2-8(a), Prerequisites to Approval*)

RECOMMENDED MITIGATING CONDITIONS OF APPROVAL SPECIFIC TO PHASE 1B

23. The final plat shall show a no-ingress/egress zone along the Grantsdale Cutoff Road and Skalkaho Highway frontages of the phase. (*Section 3-2-8(b)(v)(C, F), RCSR, Effects on Local Services and Public Health and Safety*)

24. The applicant shall construct pedestrian facilities in accordance with Attachment A. *(Section 3-2-8(b)(v)(F) and Section 5-4-8, RCSR, Effects on Local Services and Public Health & Safety)*

RECOMMENDED MITIGATING CONDITIONS OF APPROVAL SPECIFIC TO PHASE 2A

25. Prior to submitting the final plat for Phase 2A, the applicant shall submit an updated Traffic Impact Analysis (TIA) to the RCRBD for review. The TIA shall include an analysis of the subdivisions impact on the design and function of the intersection of Grantsdale Cutoff Road and Grantsdale Road. Additionally, the TIA shall consider the need for pedestrian access along Grantsdale Cutoff Road leading to Grantsdale School. The applicant may be required to provide additional mitigation based on the findings of the TIA. *(Section 3-2-8(b)(v)(F) and Section 5-4-8, RCSR, Effects on Local Services and Public Health & Safety)*
26. The applicant shall construct pedestrian facilities in accordance with Attachment A. *(Section 3-2-8(b)(v)(F) and Section 5-4-8, RCSR, Effects on Local Services and Public Health & Safety)*

RECOMMENDED MITIGATING CONDITIONS OF APPROVAL SPECIFIC TO PHASE 2B

27. The applicant shall submit an approach permit from the Montana Department of Transportation (MDT) for the access to Skalkaho Highway. It is assumed that prior to issuing an approach permit MDT will ensure that any required improvements to mitigate the effects of the traffic generated by the subdivision onto State highways will be completed by the applicant in consultation with MDT. *(Section 3-2-8(b)(v)(F) and Section 5-4-8, RCSR, Effects on Local Services and Public Health & Safety)*
28. The applicant shall construct pedestrian facilities in accordance with Attachment A. *(Section 3-2-8(b)(v)(F) and Section 5-4-8, RCSR, Effects on Local Services and Public Health & Safety)*

RECOMMENDED MITIGATING CONDITIONS OF APPROVAL SPECIFIC TO PHASE 3

29. The final plat shall show a no-ingress/egress zone along the Skalkaho Highway frontage of the phase. *(Section 3-2-8(b)(v)(C, F), RCSR, Effects on Local Services and Public Health and Safety)*
30. The applicant shall construct pedestrian facilities in accordance with Attachment A. *(Section 3-2-8(b)(v)(F) and Section 5-4-8, RCSR, Effects on Local Services and Public Health & Safety)*
31. The applicant shall ensure that the use of common area #3 be restricted for agricultural purposes only by filing an agricultural covenant. The covenant shall allow for the operation and maintenance of the wastewater treatment facilities. *(Section 3-2-8(b)(v)(A), RCSR, Effects on Agriculture)*

RECOMMENDED MITIGATING CONDITIONS OF APPROVAL SPECIFIC TO PHASE

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32. The final plat shall show a no-ingress/egress zone along the Skalkaho Highway frontage of the phase. *(Section 3-2-8(b)(v)(C, F), RCSR, Effects on Local Services and Public Health and Safety)*
33. The 60-foot wide access and utility easement, as shown on the preliminary plat, shall be shown on the final plat for Phase 4. The easement shall be located along the boundary between lots 176 and 177 and shall be split evenly between the two lots. *(Section 3-2-8(a) and Section 5-4-4(d), RCSR, Prerequisites for Approval and Road Layout Standards)*
34. The applicant shall construct pedestrian facilities in accordance with Attachment A. *(Section 3-2-8(b)(v)(F) and Section 5-4-8, 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 for each phase, as applicable, as required by the Ravalli County Subdivision Regulations, Section 3-4-4(a) et seq. Infrastructure improvements, as shown on the preliminary plat, are required to be installed prior to the filing of each phase. Phases shall be submitted sequentially in accordance with the proposed Phasing Plan. [Staff Note: items in strikethrough are not applicable to this subdivision]

1. A statement from the project surveyor or engineer prior to final plat approval outlining how each final plat requirement or condition of approval has been satisfied.
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.) The final plat shall conform to the preliminary plat decision. In accordance with the conditions of approval and RCSR Section 3-4-4(a)(ii), the following features are required, when applicable, to be shown 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 applicant 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. Road and driveway approach and encroachment permits 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 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 applicant, 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 that may be required for this subdivision are the construction of the internal subdivision roads, re-construction of off-site roads (Skalkaho Highway and Grantsdale Cutoff Road), installation of the community water and wastewater treatment facilities, installation of required storm water conveyance systems and detention/retention systems, installation of stop signs and road name signs, construction of the pedestrian pathways, installation of the CBU and concrete slab, construction of the bus shelters and/or turnouts, and installation of irrigation facilities.

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:

A. Provides easements within and to the proposed subdivision for the location and installation of any planned utilities.

Findings of Fact

1. In order to provide utility amenities to residents within a subdivision and also develop the subdivision in accordance with applicable local, state and federal regulations, the basic utilities considered necessary for the development of a subdivision include gas, water, sewer, electricity, telephone, roads, and stormwater control. (Staff Determination)
2. On-site utilities will be located underground and within the proposed 60-foot public access and utility easements. (Grantsdale Addition Preliminary Plat)
3. All common area lots will be covered by a blanket public access and utility easements for the benefit of the residents of Grantsdale Addition. (Grantsdale Addition Preliminary Plat)
4. Common areas 1, 3, 4 and 5 and all public access and utility easements will be owned and maintained by the Grantsdale Addition Homeowner's Association. (Grantsdale Addition Preliminary Plat)
5. Common area 2 is proposed to be owned and maintained by Ravalli County. (Grantsdale Addition Preliminary Plat and Subdivision Application)
6. Common areas 2 and 3 are proposed to contain the community wastewater treatment systems. The wastewater treatment systems will be protected by the blanket utility easement placed on all common area lots within the subdivision. (Grantsdale Addition Preliminary Plat)
7. Existing overhead power runs along Skalkaho Highway. This existing overhead power is not proposed to be removed as it provides service to other properties in the area. (Grantsdale Addition Subdivision Application)
8. The applicant has installed two public water wells that will provide water for the community water system for the entire subdivision. The wells are located within Tract D of Certificate of Survey 562279-R which adjoins the eastern portion of the subject property. (Grantsdale Addition Preliminary Plat)
9. 15-foot and 20-foot stormwater drainage easements are proposed along certain lot lines within the subdivision to convey storm water runoff to detention/retention areas or existing drainage ways. (Grantsdale Addition Preliminary Plat)
10. A 15-foot sewer easement runs east to west along the southern boundary of proposed lots 106 and 128. Additionally, a 5-foot sewer easement runs east to west along the northern boundary of proposed lots 105 and 129. (Grantsdale Addition Preliminary Plat)
11. Proposed sewer mains, water mains, and sewer force mains are proposed to be located within the 60-foot public access and utility easements. Additionally, a sewer force main is proposed to be located within common areas 4 and 5. (Grantsdale Addition Preliminary Plat)
12. Lots will be accessed by an internal network of roadways. These roadways are proposed to be located within 60-foot wide easements that will be maintained by the homeowners association, and will be available for use by the general public. (FlatIron Ranch Preliminary Plat all sheets)

13. The weight of the evidence regarding availability to utilities indicates that all lots within the subdivision will have adequate access to the utility amenities considered necessary for the development of a subdivision. (Staff Determination)

Conclusions of Law

1. Existing and proposed utility easements are required to be shown on the final plat. (Final Plat Requirement 2)
2. The preliminary plat and associated application materials present credible evidence that there are easements for the location and installation of planned utilities. (Staff Determination)
3. The proposed subdivision application provides for utility easements within and to the proposed subdivision. (Staff Determination)
4. The 60-foot wide access and utility easement, as shown on the preliminary plat, shall be shown on the final plat for Phase 4. The easement shall be located along the boundary between lots 176 and 177 and shall be split evenly between the two lots. (Condition 32)

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. Two new accesses are proposed for the subdivision. Access will be provided onto Grantsdale Cutoff Road and Skalkaho Highway. (Grantsdale Addition Preliminary Plat)
2. Skalkaho Highway is a State-operated roadway. (MDT)
3. Grantsdale Cutoff Road is a County-operated roadway. (RCSR Exhibit A)
4. Skalkaho Highway serves as the primary access to the subdivision, as the Traffic Impact Analysis indicates that the majority of vehicular traffic will utilize Skalkaho Highway to make way to US Highway 93. The Trip Distribution and Traffic Assignment calculations included in the Traffic Impact Analysis prepared along with this subdivision indicate that approximately 5% of the traffic generated from the subdivision (36 trips per day) will utilize Grantsdale Cutoff Road east and its connecting roadway system to access US Highway 93. (Grantsdale Addition Subdivision Application)
5. The applicant will need to obtain an approach permit through the Montana Department of Transportation (MDT) to access Skalkaho Highway. The applicant has submitted evidence that an approach permit is obtainable. MDT will not grant an approach permit until local subdivision review has been completed. (Grantsdale Addition Subdivision Application)
6. The applicant has applied for an approach permit through the Ravalli County Road and Bridge Department (RCRBD) to access Grantsdale Cutoff Road. Securing approach permits through RCRBD will ensure legal access is obtained. (Grantsdale Addition Subdivision Application and Ravalli County Access Encroachment Policy (Commissioner Resolution # 2287))
7. The applicant is proposing a Road Maintenance Agreement (RMA) consistent with the Ravalli County Subdivision Regulations. An RMA will ensure that physical access is maintained to all lots by assigning maintenance responsibilities. (Grantsdale Addition Subdivision Application)

8. The applicant has proposed to construct an internal road system meeting County Road Standards. (Grantsdale Addition Preliminary Plat and Grantsdale Addition Subdivision Application)
9. Each proposed lot will abut the internal road network. (Grantsdale Addition Preliminary Plat)
10. The weight of the evidence regarding legal and physical access indicates that all lots within the subdivision will have adequate legal and physical access. (Staff Determination)

Conclusions of Law

1. Legal Access will be provided to each proposed lot within the subdivision via Skalkaho Highway, Grantsdale Cutoff Road and via an internal road system that will be constructed to county standards for new construction. (Staff Determination)
2. Based on the facts that there are no elements or features preventing unobstructed access to the site, there are no elements or features preventing unobstructed access to the proposed lots on-site, and that a Road Maintenance Agreement will be filed with the final plat, the subject property will have physical access. (Staff Determination)
3. The preliminary plat and associated application materials present credible evidence that there is legal and physical access to each parcel within the proposed subdivision. (Staff Determination)
4. The 60-foot wide access and utility easement, as shown on the preliminary plat, shall be shown on the final plat for Phase 4. The easement shall be located along the boundary between lots 176 and 177 and shall be split evenly between the two lots. (Condition 32)

- 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. Based on recommended conditions and final plat requirements in accordance with Section 3-4-4(a) of the RCSR, specific infrastructure improvements that may be required for this subdivision are: the construction of the internal subdivision roads, re-construction of off-site roads (Skalkaho Highway and Grantsdale Cutoff Road), installation of the community water and wastewater treatment facilities, installation of required storm water conveyance systems and detention/retention systems, installation of stop signs and road name signs, construction of the pedestrian pathways, installation of the CBU and concrete slab, construction of the bus shelters and/or turnouts, and installation of irrigation facilities.
2. In accordance with Section 3-4-2 of the RCSR, the applicant may enter into a Subdivision Improvements Agreement and Guaranty, securing the required improvements through a bond, letter of credit, or other acceptable security.
3. Phasing allows an applicant to complete improvements in manageable installments. The requirements and conditions attendant to each phase of this project will ensure that the improvements are complete before the final plat of each phase is filed. The improvements in a prior phase must be completed or the payment or guarantee of payment for the costs of the improvement incurred in a prior phase must be satisfied before the development of future phases. (Staff Determination, 76-3-507(2)(b), MCA)

4. The weight of evidence indicates that all required improvements will be installed before final plat approval. (Staff Determination)

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 26).
2. The final plat requirements or a Subdivision Improvements Agreement and Guaranty will ensure that all improvements are installed. (Staff Determination)
3. Approval by the governing body of a final plat prior to the completion of required improvements and without the provision of the security required under 76-3-507(2), MCA is not an act of a legislative body for the purposes of 2-9-111, MCA. (76-3-507(3), MCA)
4. The governing body may require a percentage of improvements or specific types of improvements necessary to protect public health and safety to be completed before allowing bonding or other reasonable security under 76-3-507(2)(a), MCA, for purposes of filing a final plat. (76-3-507(4), MCA)
5. The requirements of final plat approval provide credible evidence that this prerequisite will be met. (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 of the RCSR have been considered and will be accomplished before the final plat is submitted.**

Findings of Fact

1. According to the subdivision application, the average lot size is 0.29 acres. (Grantsdale Addition Subdivision Application)
2. The subject property has water shares administered by Daly Ditches. Only Daly Ditches has the legal authority to administer, split or reassign the water rights under its domain. Daly Ditches has approved of the proposed reallocation of water shares to each of the proposed lots and the design of the irrigation delivery system proposed by the applicant. (Grantsdale Addition Subdivision Application)
3. The subject property will remain in the Daly Ditches Irrigation District and each property owner and the homeowner's association will pay assessment fees based on the amount of property owned. The assessments will be paid on individual property tax bills on a yearly basis. (Grantsdale Addition Subdivision Application)
4. The weight of the evidence provides assurance that the disclosure and disposition of water rights was considered by the proper parties. Further, the final plat requirements provide that the disposition of water rights will be accomplished before the final plat is submitted. (Staff Determination)

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 applicant 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 subdivision 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 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

(iii) reserve and sever all surface water rights from the land.

2. Since the property has water shares administered through Daly Ditches, a private entity that provides for the use of the water right, the applicant will be required to file a master irrigation plan in order to comply with 76-3-504(1)(j)(ii), MCA.
3. The preliminary plat, associated application materials and requirements of final plat approval present credible evidence that the disclosure and disposition of water rights will be accomplished before final plat approval. (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 of the RCSR have been considered and will be accomplished before the final plat is submitted.

Findings of Fact

1. The Republican Ditch lies approximately 300 feet east of the east of the subject property. (Grantsdale Addition Preliminary Plat)
2. An existing buried irrigation pipeline located within a 9-foot irrigation easement runs east to west across the subject property, entering on the eastern boundary of proposed Lot 174 and exiting the western boundary of proposed Lot 92. (Grantsdale Addition Preliminary Plat)
3. The proposed irrigation infrastructure will be located within the 60-foot public access and utility easements. (Grantsdale Addition Preliminary Plat)
4. The weight of the evidence submitted with the preliminary plat submittal indicates that ditch easements have been considered and their placement accomplished prior to final plat approval. (Staff Determination)

Conclusions of Law

1. 76-3-504(1)(k)(ii) MCA states that , the applicant is not required to establish ditch easements in the subdivision if:
 - a. the average lot size is 1 acre or less and the applicant provides for disclosure, in a manner acceptable to the governing body, that adequately notifies potential buyers of lots that are classified as irrigated land and may continue to be assessed for irrigation water delivery even though the water may not be deliverable; or
 - b. the water rights are removed or the process has been initiated to remove the water rights from the subdivided land through an appropriate legal or administrative process and if the removal or intended removal is denoted on the preliminary plat. If removal of water rights is not complete upon filing of the final plat, the applicant shall provide written notification to prospective buyers of the intent to remove the water right and shall document that intent, when applicable, in agreements and legal documents for related sales transactions.
2. RCSR Section 5-6-2 states that when water rights are to be transferred to (1) or more of the lots within a subdivision, an irrigation delivery system must be designed and installed.
3. The applicant is required to submit an irrigation delivery system design prepared by a person with working knowledge of irrigation water delivery systems. The master irrigation plan will be submitted and approved prior to final plat of Phase 1A. (RCSR Regulations 5-6-2 and 3-1-5(xxxv))

4. The proposed subdivision is consistent with the requirements of 76-3-504(1)(k)(ii). (Staff Determination)
5. With the proposed irrigation easements shown on the plat, the proposal will conform with the provisions of 76-3-504(1)(k), MCA. This will ensure that downstream water users are protected. (Staff Determination)

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

Findings of Fact

1. The proposal is for a 181 lot single-family residential major subdivision. (Grantsdale Addition Subdivision Application)
2. Donation or reservation of 5.69 acres of land, or its cash equivalent, is required to meet the parkland donation requirement. (Grantsdale Addition Subdivision Application)
3. The applicant has proposed three separate common areas totaling 14.74 acres. Common area #1 totals 0.73 acres, common area #2 totals 9.12 acres and common area #3 totals 4.89 acres. (Grantsdale Addition Subdivision Application)
4. The applicant has proposed to donate the 9.12 acre common area #2 to Ravalli County. (Grantsdale Addition Subdivision Application)
5. In correspondence dated September 11, 2008, Chair of the Ravalli County Park Board Gary Leese agreed to terms for accepting the proposed parkland donation. (Grantsdale Addition Subdivision Application)
6. The Ravalli County Park Board reiterated their approval of the proposed parkland donation during their January 12, 2011 meeting. (Ravalli County Park Board Meeting Minutes)
7. All common areas within the subdivision will contain a blanket public and private utility, access, and pedestrian easement. (Grantsdale Addition Preliminary Plat)

Conclusions of Law

1. In accordance with 76-3-621(6), MCA, "The local governing body shall waive the park dedication requirement if:
 - (i) the preliminary plat provides for a planned unit development or other development with land permanently set aside for park and recreational uses sufficient to meet the needs of the persons who will ultimately reside in the development; and
 - (ii) the area of the land and any improvements set aside for park and recreational purposes equals or exceeds the area of the dedication required under subsection (1)." (See also Section 6-1-8(b)(i), RCSR)
2. Section 6-1-5(a) of the RCSR provides that the applicant shall accomplish one, or any combination, of the following:
 - a. Make a land donation to the County;
 - b. Make a cash donation to the County;
 - c. Reserve land within the subdivision for the recreational uses for those within the development; and/or
 - d. Reserve land for one or more of the following purposes:
 1. Protection of critical wildlife habitat;
 2. Protection of cultural, historical, or natural resources;
 3. Protection of agricultural interests, including preservation of agricultural land and creation of buffers; or
 4. Protection of aesthetic values, including open space and scenic vistas. (See: 76-3-621(6)(b), MCA)

3. Should the BCC accept the applicant's proposal to donate parkland to the County in excess of the statutorily required amount, the subdivision will comply with this prerequisite. (Staff Determination)
4. The applicant shall provide evidence that ownership of common area #2 has been transferred to Ravalli County. (Condition 22)

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. This development proposal has followed the necessary application procedures and has been reviewed within the procedures provided in Chapter 3 of the Ravalli County Subdivision Regulations. (FlatIron Ranch Subdivision File and Staff Determination)
2. The application includes all necessary and applicable information sufficient for public review. (Staff Determination)

Conclusion of Law

The procedures for the application and review of this proposed subdivision have been followed. (Staff Determination)

B. Applicable zoning regulations.

Finding of Fact

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

Conclusion of Law

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

C. Existing covenants and/or deed restrictions.

Finding of Fact

There are no covenants or deed restrictions tied to the subject property. (Grantsdale Addition Subdivision Application)

Conclusion of Law

Compliance with covenants and/or deed restrictions is not applicable for this proposal. (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 (Floodplain, U.S. Army Corps of Engineers, Bitterroot Conservation District, Ravalli County Road & Bridge Department, Montana Department of Transportation, Montana Department of Environmental Quality, etc.)
2. The applicant was made aware of the applicable regulations at the pre-application conference held on April 19, 2006. (Grantsdale Addition Subdivision File)

Conclusions of Law

- 1. Prior to final plat approval, the applicant is required to submit applicable permits and evidence that they have met 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:

CRITERION 1: EFFECTS ON AGRICULTURE

Findings of Fact:

Adjacent Agricultural Operations

- 1. The subject parcel is classified for tax purposes as agricultural/rural. (Montana Cadastral Database created by Montana Department of Administration)
- 2. Properties located adjacent to and in the vicinity of the subject property are classified for tax purposes as residential rural, commercial rural and farmstead rural. (Montana Cadastral Database created by Montana Department of Administration, Information Technology Services Division, Geographic Information Services and Grantsdale Addition Preliminary Plat and Grantsdale Addition Subdivision Application)
- 3. In a letter dated January 17, 2011, adjacent landowner Laura Garber, owner of Homestead Organics Farm stated she is concerned of the impacts the subdivision will have on ground water and her agricultural operation. (Exhibit B-2)
- 4. The MDEQ issued a Montana Ground Water Pollution Control System Permit on September 1, 2006. The permit expires on September 30, 2011. (Grantsdale Addition Subdivision Application)

Prime Farmland Soils

- 5. Soils data obtained from the NRCS Web Soil Survey indicate areas of soils located on the subject property classified as "prime farmland if irrigated." (NRCS Web Soil Survey)
- 6. The land has been used to produce hay and alfalfa. (Grantsdale Addition Subdivision Application)
- 7. To mitigate the potentially significant adverse impacts of the subdivision on agriculture, the applicant has proposed to utilize common area #3 (4.89 acres) as a community garden. The garden is proposed to be owned and operated by the Grantsdale Utility Company, which will also facilitate the rental of garden plots to both residents of Grantsdale Addition and the community at large. The applicant may wish to sell the parcel to an outside party in the future. (Grantsdale Addition Subdivision Application)

Noxious Weeds

8. The applicant submitted a Ravalli County Subdivision Noxious Weed Evaluation Form that did not identify any noxious weeds as being present on the subject property. (Grantsdale Addition Subdivision Application)

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), RCSR)

Adjacent Agricultural Operations

2. MDEQ has issued a general discharge permit for the proposed subdivision. The discharge permit should ensure that groundwater quality is not detrimentally effected, thus alleviating the concerns expressed in the January 17, 2011 letter submitted by Laura Garber of Homestead Organics. (Staff Determination)

Prime Farmland Soils

3. The proposal will convert soils classified by the NRCS as "prime farmland if irrigated" from agricultural use to residential use excepting a 4.89 acre parcel that will be retained and used for agricultural purposes only. (Staff Determination)

Noxious Weeds

4. 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 re-vegetation plan, such as road construction, a plan shall be submitted to the weed board for approval by the board. (7-22-2152, MCA)
5. The approved Ground Disturbance and Noxious Weed Management Plan will be submitted prior to final plat approval. (Final Plat Requirement 11)

Overall Conclusion

6. With the conditions and requirement of final plat approval, potentially significant adverse impacts of the subdivision on agriculture will be sufficiently mitigated. (Staff Determination)

Recommended Conditions to Mitigate the Effects on Agriculture

- *A notification of proximity to agricultural operations shall be included in the notification document. (Condition 1)*
- *A noxious weed control provision shall be included in the protective covenants filed with the final plat for this subdivision. (Condition 2)*
- *The applicant shall ensure that the use of common area #3 be restricted for agricultural purposes only by filing an agricultural covenant. The covenant shall allow for the operation and maintenance of the wastewater treatment facilities. (Condition 28)*

CRITERION 2: EFFECTS ON AGRICULTURAL WATER USER FACILITIES

Findings of Fact

Irrigation Infrastructure

1. The Republican Ditch lies approximately 300 feet east of the subject property. (Grantsdale Addition Preliminary Plat)

2. An existing buried irrigation pipeline located within a 9-foot irrigation easement runs east to west across the subject property, entering on the eastern boundary of proposed Lot 174 and exiting the western boundary of proposed Lot 92. (Grantsdale Addition Preliminary Plat)
3. The proposed irrigation infrastructure will be located within the 60-foot public access and utility easements. (Grantsdale Addition Preliminary Plat)

Water Rights

4. The land to be subdivided is subject to a contract with Daly Ditches Irrigation District, which is a public entity formed to provide the use of water shares for subdivided and un-subdivided property. (Grantsdale Addition Subdivision Application)
5. The applicant is proposing to reallocate the water shares among the newly created lots. (Grantsdale Addition Subdivision Application)
6. Daly Ditches has approved of the proposed irrigation infrastructure plan and reallocation of water shares. Daly Ditches has requested that the applicant install flow meters at each of the two diversion points located on the Republican Ditch. (Grantsdale Addition Subdivision Application)
7. The applicant is required to obtain a Beneficial Water Use Permit from the Department of Natural Resources and Conservation in order to utilize the proposed public water supply. (Grantsdale Addition Subdivision Application)

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))

Irrigation Infrastructure

2. With the proposed irrigation easements shown on the plat, the proposal will conform with the provisions of 76-3-504(1)(k), MCA. This will ensure that downstream water users are protected. (Staff Determination)
3. RCSR Section 5-6-2 states that when water rights are to be transferred to (1) or more of the lots within a subdivision, an irrigation delivery system must be designed and installed.
4. The applicant is required to submit an irrigation delivery system design prepared by a person with working knowledge of irrigation water delivery systems. The master irrigation plan will be submitted and approved prior to final plat of Phase 1A. (RCSR Regulations 5-6-2 and 3-1-5(xxxv) and Final Plat Requirement 20)
5. Irrigation easements are required to be shown on the final plat. (Final Plat Requirement 2)

Water Rights

6. 76-3-504(1)(j), MCA states that when a subdivision creates parcels with lot sizes averaging less than 5 acres, the applicant 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 subdivision 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 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

- (iii) reserve and sever all surface water rights from the land.
7. Since the property has water shares administered through Daly Ditches, a private entity that provides for the use of the water right, the applicant will be required to file a master irrigation plan in order to comply with 76-3-504(1)(j)(ii), MCA. (Staff Determination)
 8. The issuance of a BFUP will ensure that the DNRC has determined that the new water right will not detrimentally affect existing water right holders. (Staff Determination)

Overall Conclusion

9. With the conditions and requirements of final plat approval, potentially significant adverse impacts of the subdivision on agricultural water user facilities will be sufficiently mitigated. (Staff Determination)

Recommended Conditions to Mitigate the Effect on Agricultural Water User Facilities

- *A notification of the location of irrigation easements will be included within the Notifications Document filed with the subdivision. (Condition 1)*
- *A Beneficial Water Use Permit for the public water supply facilities shall be obtained from the Montana Department of Natural Resources and Conservation prior to final plat approval of the first phase. Evidence of adequate water rights to supply each phase of the development must be submitted to the Ravalli County Planning Department prior to final plat approval of each phase. (Condition 15)*
- *The applicant shall provide a letter from Daly Ditches Irrigation District indicating that the applicant has installed a flow meter at the diversion point with the Republican Ditch to monitor irrigation water flow that is acceptable to the district. (Condition 21)*

CRITERION 3: EFFECTS ON LOCAL SERVICES

Findings of Fact:

Fire District

1. The subdivision is located within the Hamilton Rural Fire District (HRFD). (Grantsdale Addition Subdivision Application, Environmental Assessment, Ravalli County GIS Data)
2. The HRFD has a station approximately 3.1 miles northwest of the proposed subdivision. (Ravalli County GIS)
3. The HRFD, as a member of the Ravalli County Fire Council, has adopted Fire Protection Standards (FPS), which address access, posting of addresses, and on-site water supply requirements. The Fire Protection Standards also state that in lieu of an on-site water supply, a cash contribution in the amount of \$900 per lot is acceptable. (Exhibit A-1)
4. The Ravalli County Planning Department sent notification letters to the HRFD requesting comments on the proposal on June 13, 2007 and December 1, 2010. (Grantsdale Addition Subdivision File)
5. The HRFD provided updated agency comment regarding the proposal on December 26, 2010 (Exhibit A-2) outlining the district's preferences for mitigation. The HRFD requests the following:
 - a. Fire hydrants spaced every 500 feet with a required fire flow of no less than 1,500 GPM sustained for two hours with a minimum of 20 PSI, and
 - b. Water to be supplied by option #2 or #4 as outlined in the Fire Protection Standards; Or

- c. A voluntary contribution payment of \$900 per-lot in lieu of the above outlined fire flow/water supply system; Or
 - d. Another alternative as approved by the HRFD.
6. The applicant states that there will be a proportionate increase in service needs based on the addition of new homes. (Grantsdale Addition Subdivision Application)

School District

7. The proposed subdivision is located within the Hamilton School District. (Talon's Cove Subdivision Application)
8. With this subdivision at full build-out, it is estimated that approximately 91 school-aged children will be added to the Hamilton School District, assuming an average of 0.5 children per household (Census 2000).
9. The Ravalli County Planning Department sent notification letters to the Hamilton School District requesting comments on the proposal on June 13, 2007 and December 1, 2010. (Grantsdale Addition Subdivision File)
10. County School Superintendent, Ernie Jean, provided the Planning Department the Budget Per Pupil/Tax Levy Per Pupil information for Ravalli County. The budget is based approximately on the previous school years student enrollment figures and does not anticipate costs associated with the addition of new students. According to the document, the budget per pupil is \$7,528.00 for the Hamilton School District which includes capital needs and funds gathered from federal, state, and local sources. The local tax levy per pupil excluding capital, federal, and state funds is \$2,885.00. (Exhibit A-3)
11. Taxes from new residents may not be immediately available to School Districts. There is currently no known available data on the average amount of time between when additional students from new residences will enroll in the School District and when School Districts receive tax money from the new residences. Because there may be a lag in the time services are provided and taxes are collected, the applicant shall negotiate an adequate form of mitigation with the BCC. (Staff Determination)
12. Based on the currently available Census data (0.5 children per household) and available budget data, the expected taxes per household levied per pupil, excluding capital costs, within the Hamilton School District would be \$1,442.50, which is half of the \$2,885.00 tax levy per public excluding capital budget allotment for the Hamilton School District. This amount (\$1,442.50) should be taken into consideration and may be utilized as the basis for negotiating an adequate form of mitigation to offset any effects that this subdivision may have on the Hamilton School District. Monetary contributions are not the only acceptable form of mitigation. (Staff Determination)
13. The Hamilton School District submitted a request that the County negotiate adequate mitigation on the districts behalf. (Exhibit A-8)
14. The applicant has not proposed to mitigate the potentially significant adverse impacts the subdivision may have on the School District. (Grantsdale Addition Subdivision Application)
15. The County School Superintendent, Ernie Jean, sent a letter to the Ravalli County Commissioners stating that the Ravalli County Educational Transportation Committee has adopted a resolution requesting that the Commissioners establish a requirement that the applicants 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-4)
16. The Hamilton School District stated that the district will not provide bus service to subdivisions unless the subdivision is located on a county maintained road and/or there is an adequate bus turn around area. (Exhibit A-8)

Public Safety Services

17. The Ravalli County Sheriff's Office provides law enforcement services to this area. (Grantsdale Addition Subdivision Application)
18. Notification letters were sent to the Ravalli County Sheriff's Office requesting comments on June 13, 2007 and December 1, 2010, but no comments have been received to date. (Grantsdale Addition Subdivision File)
19. The average number of people per household in Ravalli County is 2.5. This subdivision has the potential to add up to 453 additional residents to the County. (Census 2000)
20. Taxes from new residents may not be immediately available to law enforcement services, E-911, and Disaster & Emergency Services (DES). There is currently no known available data on the average amount of time between when public safety services begin to serve a new residence and when public safety services receive tax money from that residence. Because there may be a lag in the time services are provided and taxes are collected, the applicant shall negotiate an adequate form of mitigation with the BCC. (Staff Determination)
21. The applicant has not proposed to mitigate the potentially significant adverse impacts the subdivision may have on public safety services. (Grantsdale Addition Subdivision Application)

Ambulance Services

22. Ambulance services will be provided by Marcus Daly Memorial Hospital EMS Department. Marcus Daly Hospital was contacted on June 13, 2007 and December 1, 2010, but no comments have been received to date. (Grantsdale Addition Subdivision File)
23. Marcus Daly Memorial Hospital is not funded by local taxes. (Staff Determination)
24. Ravalli County Sheriff's Department will provide police protection. The Ravalli County Sheriff's Department was contacted on June 13, 2007 and December 1, 2010, but no comments have been received to date. (Grantsdale Addition Subdivision File)
25. Taxes from new residents may not be immediately available to law enforcement services, E-911, and Disaster & Emergency Services (DES). There is currently no known available data on the average amount of time between when public safety services begin to serve a new residence and when public safety services receive tax money from that residence. Because there may be a lag in the time services are provided and taxes are collected, the applicant shall negotiate an adequate form of mitigation with the BCC. (Staff Determination)
26. The applicant has not proposed to mitigate the potentially significant adverse impacts the subdivision may have on emergency services. (Grantsdale Addition Subdivision Application)

Roads

27. At full build-out this subdivision is estimated to generate an additional 1,448 vehicular trips per day. This estimation is based on the information contained in the Institute of Traffic Engineers – *Trip Generation* manual, which states that each lot will likely generate eight (8) vehicular trips per day. (Grantsdale Addition Subdivision Application)
28. The subdivision is proposed to have two access points. The first access will be constructed onto Grantsdale Cutoff Road with Phase 1A. The second access is proposed to be constructed onto Skalkaho Highway with Phase 2B. (Grantsdale Addition Subdivision Application)
29. Skalkaho Highway is a State owned and operated roadway. (MDT)
30. Grantsdale Cutoff Road is a County-operated roadway. (RCSR Exhibit A)
31. The applicant is required to improve the portion of Grantsdale Cutoff Road leading to the subdivision from Skalkaho Highway to meet County standards for new construction. (Section 5-4-5(a) and (b)(4), RCSR)

32. The applicant is proposing to construct the portion of Grantsdale Cutoff Road leading to the subdivision from Skalkaho Highway to meet County standards for new construction prior to the final plat approval of Phase 1A. (Grantsdale Addition Subdivision Application)
33. The internal road network is proposed to meet County Road Standards. (Grantsdale Addition Subdivision Application)
34. Each proposed lot will abut the internal road network. (Grantsdale Addition Preliminary Plat)
35. The preliminary road plans were approved September 21, 2007 by the RCRBD. (Grantsdale Addition Subdivision Application and File)
36. A Traffic Impact Analysis (TIA) was completed by HKM Engineering Inc. The TIA was reviewed and approved by the RCRBD with the following recommendations (Grantsdale Addition Subdivision Application):
 - a. The applicant confirms the existing easement width of Grantsdale Cutoff Road and constructs the road to County-standards for new construction over the entire property frontage prior to the approval of Phase 1A.
 - b. The applicant submit an updated TIA that reexamines the projected traffic flow heading east on Grantsdale Cutoff Road including an analysis of the design and function of the Grantsdale Cutoff Road and Grantsdale Road intersection and addresses off-site pedestrian access heading east on Grantsdale Cutoff Road to the Grantsdale School.
37. The TIA was also submitted to MDT for review. Correspondence from MDT indicates that the preliminary review of the TIA has been completed and that MDT is now awaiting design plans for required improvements to Skalkaho Highway as determined by MDT. (Grantsdale Addition Subdivision Application)
38. The TIA indicates that left-turn lanes along Skalkaho Highway at Grantsdale Cutoff Road and at the proposed western approach should be considered as directed by MDT. (Grantsdale Addition Subdivision Application)
39. Email correspondence submitted by MDT indicates that an evaluation of the intersection of US 93 and Skalkaho Highway will be conducted to determine the necessity for the installation of signals. In addition to the evaluation of whether the intersection warrants signals, a speed study will be completed. The evaluations are scheduled for spring 2011. (Exhibit A-9)
40. In an email dated February 4, 2011 (Exhibit A-10), MDT Transportation Planning Engineer Jean A. Riley provided comment expressing MDT's concern regarding the proposals impact on the intersection of Skalkaho Highway and Grantsdale Cutoff Road and the effects of the subdivisions stormwater drainage on Skalkaho Highway. Based on the concerns expressed MDT has requested the following occur prior to filing of Phase 1A:
 - a. The developer submits drainage plans to MDT that includes pre and post development impacts of the 2-year, 25-year and 100-year storm event on the existing 24 inch culvert south of the Skalkaho Highway intersection with Grantsdale Cutoff Road.
 - b. The developer submits an updated Traffic Impact Analysis that specifically focuses on the impacts to the intersection of Skalkaho Highway and Grantsdale Cutoff Road.

Pedestrian Facilities

39. The applicant is proposing to construct a combination of 5-foot wide concrete sidewalks and 3.5-foot wide striped bike paths throughout the subdivision. (Grantsdale Addition Subdivision Application and Attachment A)
40. In an email dated November 30, 2007, RCRBD Supervisor David Ohnstad states that off-site pedestrian access along Grantsdale Cutoff Road should be addressed as part of the traffic impact analysis based on the projects proximity to Grantsdale School. In a follow-up

email dated November 10, 2008, Mr. Ohnstad states that pedestrian access along Grantsdale Cutoff Road should be addressed within an updated Traffic Impact Analysis that should be submitted prior to the approval of Phase 2A of the proposed subdivision. (Grantsdale Addition Subdivision Application)

41. The applicant is not proposing to construct off-site pedestrian facilities at this time. (Grantsdale Addition Subdivision Application)
42. Public comment letters received from adjacent property owners express concern with the increased traffic along Grantsdale Cutoff Road and the lack of pedestrian facilities on said roadway. (Exhibits B-1, B-2 and B-3)

Water and Wastewater Districts

43. Grantsdale Addition will be served by a public water supply system. (Grantsdale Addition Subdivision Application)
44. Wastewater treatment and disposal for Grantsdale Addition will be provided by a centralized on-site treatment facility, consisting of a central wastewater treatment plant and two large subsurface drainfields. (Grantsdale Addition Subdivision Application)
45. Both the public water system and wastewater treatment facilities will be maintained by the Grantsdale Utility Company, a private utility company not yet created. (Grantsdale Addition Subdivision Application)

Solid Waste Services

46. Bitterroot Disposal provides service to this site. (Grantsdale Addition Subdivision Application)
47. Notification letters were sent to Bitterroot Disposal requesting comments on June 13, 2007 and December 1, 2010, but no comments have been received to date. (Grantsdale Addition Subdivision File)

Postal Service

48. The United States Postal Service (USPS) sent a letter to the Planning Department on June 8, 2007 and an email on June 29, 2007 requesting that Collection Box Units (CBUs) be required for all subdivisions with eight or more lots (or if the local post office requests a CBU) and that the locations of the boxes be approved by the USPS. (Exhibit A-5)
49. In a letter dated October 29, 2007, the USPS stated that a total of 12 separate CBUs should be installed to serve the subdivision and that the location of the CBUs should have an adequate turn-out. (Grantsdale Addition Subdivision Application)

Utilities

50. On-site utilities will be located underground and within the proposed 60-foot public access and utility easements. (Grantsdale Addition Preliminary Plat)
51. All common area lots will be covered by a blanket public access and utility easements for the benefit of the residents of Grantsdale Addition. (Grantsdale Addition Preliminary Plat)
52. Existing overhead power runs along Skalkaho Highway. This existing overhead power is not proposed to be removed as it provides service to other properties in the area. (Grantsdale Addition Subdivision Application)
53. The Grantsdale Utility Company will own and manage the common water and wastewater treatment systems. (Grantsdale Addition Subdivision Application)
54. The proposed subdivision will be served by Northwestern Energy Company and Qwest Communications. (Grantsdale Addition Subdivision Application)
55. Northwestern Energy Company and Qwest Communications each submitted a "Utility Availability Certification" stating that they will provide service connection to the proposed lots within the subdivision. (Grantsdale Addition Subdivision Application)

Conclusions of Law

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

Fire District

2. Each lot shall be located within a fire district. (Section 5-7-4(a), RCSR)
3. Because the subject property is located within the Hamilton Rural Fire District, the proposal complies with Section 5-7-4(a), RCSR. (Staff Determination)
4. By agreeing to one of the 3 options detailed by the HRFD in the agency comment letter dated December 26, 2010, the applicant will comply with the adopted standards of the HRFD. (Staff Determination)

School District

5. 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 each final plat submittal. (Final Plat Requirement 24)
6. 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))
7. Impact fees can be levied only when a jurisdiction has followed the guidelines and requirements as specified within 7-6-1601, *et seq.*, MCA. The Hamilton School District has not completed an Impact Fee Study nor has the Board of County Commissioners adopted impact fees. (Staff Determination)

Roads

8. The subdivider shall submit final approved approach permits from both the Montana Department of Transportation and the Ravalli County Road and Bridge Department prior to final plat approval of Phases 1A and 2B. (Final Plat Requirement 13)
9. The subdivider shall submit evidence of a Ravalli County-approved road name petition(s) for each new road, which shall be submitted with the final plat submittal. (Final Plat Requirement 14)
10. Final Road Plans and Grading and Storm Water Drainage Plans, approved by the Ravalli County Road and Bridge Department, shall be submitted with the final plat submittal. (Final Plat Requirement 16)
11. Road certification(s) shall be submitted with the final plat submittal. (Final Plat Requirement 17)
12. Road/common access maintenance agreement(s), signed and notarized, shall be submitted with the final plat submittal. (Final Plat Requirement 19)
13. Traffic control signs shall be installed in accordance with the final approved road plans. (RCSR Section 5-4-10)
14. Road name signs shall be installed at each intersection. (RCSR Section 5-4-11(a))
15. On-site and off-site road improvements necessary to ensure traffic efficiency and safety may be required. This includes the construction of turning lanes and additional improvements deemed appropriate, in the case of the Grantsdale Subdivision, the reconstruction of Grantsdale Cutoff Road over the entire length of the subject property. (RCSR Section 5-4-8)
16. Based on MDT's review of the updated Traffic Impact Analysis to be submitted prior to the filing of Phase 1A and in conjunction with the issuance of the approach permit onto Skalkaho Highway prior to the filing of Phase 2B, the necessary mitigation

- required to State highways, as determined by MDT, will be implemented by the applicant prior to final plat approval of the relevant phase. (Staff Determination)
17. The TIA submitted prior to approval of Phase 2A may indicate improvements to the intersection of Grantsdale Cutoff Road and Grantsdale Road are necessary as a result of the traffic generated from the subdivision. The County will have the ability to review and assess this need prior to the filing of Phase 2A. (Staff Determination)

Pedestrian Facilities

18. Off-site and on-site improvements may be required, as appropriate, to ensure pedestrian safety. (RCSR Section 5-4-8)
19. Providing new and interconnected pedestrian facilities will greatly enhance the usability and safety for residents of the proposed Grantsdale Addition Subdivision, by providing for alternate means of pedestrian travel other than the internal roadway network. (Staff Determination)
20. The TIA submitted prior to approval of Phase 2A may indicate that off-site pedestrian facilities located along Grantsdale Cutoff Road are warranted based on the traffic flow of the subdivision. The County will have the ability to review and assess this need prior to the filing of Phase 2A. (Staff Determination)

Water and Wastewater Districts

21. The subdivider has provided necessary information for public review as required by 76-3-622, MCA. (Grantsdale Addition Subdivision Application)

Solid Waste Services

22. The method of solid waste disposal was specified during preliminary plat review, as required by RCSR Section 5-7-2(a).

Mail Delivery Services

23. 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 Section 5-7-3)

Utilities

24. Existing and proposed utility easements shall be shown on the final plat. (Final Plat Requirement 2)
25. The subdivider shall submit utility availability certifications prior to final plat approval. (Final Plat Requirement 18)

Overall Conclusion

26. With the conditions and requirements of final plat approval, potentially significant adverse impacts of the subdivision on local services will be sufficiently mitigated. (Staff Determination)

Recommended Conditions to Mitigate the Effects on Local Services

- *The Notifications Document filed with the final plat shall include a notice of road maintenance and a statement notifying lot owners of the no ingress/egress restriction. (Condition 1)*
- *The protective covenants shall include provisions regarding posting of addresses and construction of accesses in accordance with fire district standards. (Condition 2)*
- *The applicant shall include an RSID/SID waiver. (Condition 3)*
- *The applicant shall provide evidence with the final plat submittal that they have applied for County-issued addresses for each lot within this subdivision. (Condition 4)*

- *Prior to final plat approval of each phase, the applicant shall provide a letter from the Hamilton Rural Fire District stating that the HRFD has reviewed and agreed upon the acceptance of mitigation. The agreed upon mitigation must be based on the following options:*
 - *Fire hydrants spaced every 500 feet with a required fire flow of no less than 1,500 GPM sustained for two hours with a minimum of 20 PSI, and*
 - *Water to be supplied by option #2 or #4 as outlined in the Fire Protection Standards; Or*
 - *A voluntary contribution payment of \$900 per-lot in lieu of the above outlined fire flow/water supply system; Or*
 - *Another alternative as approved by the HRFD. (Condition 5)*
- *The following statement shall be shown on the final plat: "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 Stevensville Rural Fire District for further information". (Condition 6)*
- *The applicant shall negotiate adequate mitigation with the BCC to alleviate effects of the subdivision on the Hamilton School District. The applicant shall provide evidence that the decided upon mitigation has been implemented prior to final plat approval. (Condition 7)*
- *The applicant shall negotiate mitigation and a plan for implementation of mitigation for each phase with the BCC to alleviate identified effects of the subdivision on Public Safety Services (Sheriff, E-911, DES). The applicant shall provide evidence that the decided upon mitigation for each phase has been implemented prior to final plat approval of the phase. (Condition 8)*
- *The internal subdivision roads for each phase shall be labeled as "public road and utility easements" on the final plat for each phase. (Condition 9)*
- *Grading, drainage and stormwater plans required to be submitted to the County for review and approval shall be forwarded by the RCRBD to MDT for review and approval. Any impacts to State highway infrastructure as identified by MDT shall be mitigated and approved by MDT prior to final plat approval of each phase. (Condition 10)*
- *The applicant shall provide evidence that a Collection Box Unit(s) (CBU) has been installed atop a concrete slab, in accordance with the Hamilton post office's standards, and that the installation has been approved by the Hamilton Post Office prior to final plat approval of each phase. Alternatively, the applicant shall provide evidence from the Hamilton Post Office that a CBU(s) is not required. (Condition 11)*
- *The applicant shall file an access and utility easement agreement that runs with the property legally described as Tract A of C.O.S 562279-R. The easement shall be for the exclusive use of the Grantsdale Utility Company, to provide public water supply facilities to the development. A copy of the easement agreement shall be provided to the County and approved prior to final plat approval. (Condition 12)*
- *The applicant shall install temporary turnarounds with a 50-foot radius at all locations that will provide future road connections throughout the subdivision. Each temporary turnaround shall be constructed with a compacted all weather travel surface capable of accommodating emergency service vehicles. (Condition 13)*
- *Prior to submitting the final plat for Phase 1A, the applicant shall submit an updated Traffic Impact Analysis (TIA) to MDT for review. The TIA shall include an analysis of the subdivisions impact on the design and function of the intersection of Skalkaho Highway and Grantsdale Cutoff Road. The applicant may be required to install an*

eastbound turn lane off Skalkaho Highway at the intersection of Grantsdale Cutoff Road based on findings of the TIA in conjunction with the necessity as determined by MDT. (Condition 16)

- The applicant shall work with the Hamilton School District to determine if a bus shelter and/or school bus turnouts should be constructed near the Jackie Drive/Grantsdale Cutoff Road intersection. The applicant shall provide evidence that they have worked with the School District prior to final plat approval of Phase 1A. If any improvements are required, the applicant shall certify the improvements have been installed prior to final plat approval of Phase 1A. Easements for the required improvements, if needed, shall be shown on the final plat for Phases 1A. (Condition 17)*
- The final plat shall show a no-ingress/egress zone along the Grantsdale Cutoff Road and Skalkaho Highway frontages of the subdivision, excepting the MDT and RCRBD approved access points. (Condition 18, 23, 29, and 32)*
- The applicant shall improve Grantsdale Cutoff Road to County standards for new construction over the entire property frontage beginning at the intersection with Skalkaho Highway and ending at the eastern property boundary. (Condition 19)*
- The applicant shall construct pedestrian facilities in accordance with Attachment A. (Conditions 20, 24, 26, 28, 30 and 34)*
- Prior to submitting the final plat for Phase 2A, the applicant shall submit an updated Traffic Impact Analysis (TIA) to the RCRBD for review. The TIA shall include an analysis of the subdivisions impact on the design and function of the intersection of Grantsdale Cutoff Road and Grantsdale Road. Additionally, the TIA shall consider the need for pedestrian access along Grantsdale Cutoff Road leading to Grantsdale School. The applicant may be required to provide additional mitigation based on the findings of the TIA. (Condition 25)*
- The applicant shall submit an approach permit from the Montana Department of Transportation (MDT) for the access to Skalkaho Highway. It is assumed that prior to issuing an approach permit MDT will ensure that any required improvements to mitigate the effects of the traffic generated by the subdivision onto State highways will be completed by the applicant in consultation with MDT. (Condition 27)*

CRITERION 4: EFFECTS ON NATURAL ENVIRONMENT

Findings of Fact:

Surface Water Features

- 1. The Bitterroot River is located approximately one-half mile west of the property. (Grantsdale Addition Subdivision Application)**
- 2. Skalkaho Creek is located approximately one-half mile to the north of the property. (Grantsdale Addition Subdivision Application)**
- 3. The Republican Ditch lies approximately 300 feet to the east of the subject property. (Grantsdale Addition Preliminary Plat)**
- 4. A preliminary grading and drainage plan was submitted to the Ravalli County Road and Bridge Department for review and approval. The RCRBD deemed the preliminary grading and drainage report and design sufficient for public review on September 19, 2007. (Grantsdale Addition Subdivision Application and File)**

Ground Water Quality

- 5. The applicant is proposing a community water system and a community wastewater treatment facility. (Grantsdale Addition Subdivision Application)**
- 6. The applicant submitted water and sanitation information per MCA 76-3-622. The Ravalli County Environmental Health Department provided documentation indicating that they have received adequate information for local subdivision review to occur.**

(Grantsdale Addition Ravalli County Environmental Health Department Subdivision Review Checklist)

7. Groundwater monitoring occurred on the site in 1996, 2003 and 2005. The most recent monitoring information showed the shallowest depth to groundwater to be 61" below ground surface. (Grantsdale Addition Subdivision Application)
8. The MDEQ issued a Montana Ground Water Pollution Control System Permit on September 1, 2006. The permit expires on September 30, 2011. (Grantsdale Addition Subdivision Application)
9. The wastewater treatment facilities and conveyance system will be required to go through review by the Montana Department of Environmental Quality and meet the design requirements for a public wastewater system. This review will occur after preliminary plat, but will be required prior to final plat of Phase 1A and prior to final plat of each subsequent phase. (Staff Determination)
10. The subdivision will be served by a public water supply. Two public water supply wells have been approved and installed in accordance with MDEQ guidelines. Plans and specifications meeting the requirements of DEQ-1 for the construction of well pumps, appurtenances, distribution and any treatment are required to be submitted to the MDEQ for review and approval prior to construction. (Grantsdale Addition Subdivision Application)
11. The applicant is seeking to obtain a Beneficial Water Use Permit (BWUP) to appropriate groundwater from the two public water supply wells from the Montana Department of Natural Resources and Conservation (DNRC). The application was submitted on December 23, 2005. (Grantsdale Addition Subdivision Application)
12. Water Right Application No. 76H 30018577 was denied by the DNRC on September 15, 2009. The Permit Application Statement of Opinion cites a failure of the applicant to submit an acceptable mitigation plan as the reason for the decision. (Grantsdale Addition Subdivision Application)
13. The Ravalli County Planning Department received public comment letters from adjacent property owners expressing concern regarding the increased number of homes and the effect they will have on ground water quality. Specific concerns include the increased amount of septage and the potential for pharmaceuticals to infiltrate ground water supplies. (Exhibits B-1, B-2 and B-3)

Wetlands

14. According to the US Fish & Wildlife Service's National Wetlands Inventory, there are no wetlands located on the subject property. (Ravalli County GIS Data – USFWS National Wetlands Inventory)
15. In a letter dated June 16, 2006, The US Army Corps of Engineers (USACE) stated that there appears to be waters of the US present on the subject property that are jurisdictional under the authority of Section 404 of the Clean Water Act. Disturbance of these jurisdictional wetlands would require a 404 permit issued by the USACE. (Exhibit A-6)

Air Quality

16. This proposed subdivision would add 180 new homes to an area of rural agricultural and medium density development southeast of Hamilton. (Grantsdale Addition Preliminary Plat)
17. 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.

18. Sources of particulate from this subdivision could include vehicles and wood-burning stoves. (Staff Determination)
19. The Board of Health (BOH) submitted a standard comment letter to be considered for all subdivision proposals on August 17, 2009 (Exhibit A-7). Within the letter, the BOH requests that wood burning stoves meet EPA rated low emission standards and that new lot owners are notified of the rules associated with open burning.

Light Pollution

20. The addition of 181 lots in an area that currently is used for agricultural and low density residential purposes 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)

Vegetation

21. The subject property has had the native vegetation removed and has been planted with alfalfa and agronomic grass species. (Grantsdale Addition Subdivision Application)
22. The applicant submitted a Ravalli County Subdivision Noxious Weed Evaluation Form that did not identify any noxious weed species on the property. (Grantsdale Addition Subdivision Application)
23. The Montana Natural Heritage Program (MNHP) provided correspondence on October 4, 2005 identifying the Palish Sedge and State Champion Box Elder as plant species of concern within the same section as the subject property. (Grantsdale Addition Subdivision Application)
24. Ecological consultant Joe C. Elliot conducted a vegetation survey on October 17, 2005. The survey found neither of the plant species of concern to be located on the subject property. (Grantsdale Addition Subdivision Application)
25. Updated species information was obtained from MNHP on September 15, 2010. The updated species information no longer identified the Palish Sedge or State Champion Box Elder as species of concern. (Grantsdale Addition Subdivision Application)

Noise Levels

26. This subdivision is adjacent to several agricultural properties. (FlatIron Ranch Preliminary Plat, Montana Cadastral Mapping)
27. Some activities associated with agricultural operations produce noises that some may find objectionable, such as the operation of mechanical equipment. (Staff Determination)
28. Due to the proximity of this proposed subdivision to the agricultural properties, there is a possibility of conflict between agricultural operations and residents of the subdivision. (Staff Determination)

Historical/Archeological Sites

29. Correspondence from Damon Murdo of the Montana State Historic Preservation Office confirms that there are a few previously recorded sites in the search locale and there is a low likelihood of cultural properties being impacted by the subdivision, and thus did not require a cultural resource inventory to be completed for the subject property. (Grantsdale Addition Subdivision Application)

Conclusions of Law:

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

Surface Water Features

3. Wells must be set back a minimum of 10 horizontal feet from all property boundaries and 100 horizontal feet from all drainfields. (ARM 17.36.323, Table 3)
4. 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 Plat Requirement 10)

Ground Water Quality

5. Prior to final plat approval the applicant is required to submit Certificate of Subdivision Approval from MDEQ for the community wastewater treatment system. (Final Plat Requirement 9)
6. At this time there is no final design from the subdivider for the wastewater treatment system in order to verify that adequate separation between the infiltration areas and groundwater can be maintained throughout the year. Further, there is no final design of the wastewater conveyance system that will ensure that the gravity and force sewer mains will be designed in such a way as to not leak and contaminate groundwater aquifers. (Staff Determination)
7. The community water system will be approved by the DEQ prior to final plat approval. The applicant is required to obtain a Beneficial Water Use Permit for the community water system from the DNRC prior to final plat approval. These approvals will ensure that the community water system will not have adverse impacts on groundwater quality and quantity. (Staff Determination and Condition of Approval 18)

Air Quality

8. Open burning season is administered and enforced by the MDEQ and is allowed between March 1st and August 31st. (ARM 17.8.606 and Condition of Approval 1)

Vegetation

4. 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)
5. An 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 will be provided prior to final plat approval of each phase. (Final Plat Requirement 11)

Overall Conclusion

6. With the conditions and requirements of final plat approval, potentially significant adverse impacts of the subdivision on the natural environment will be sufficiently mitigated. (Staff Determination)

Recommended Conditions to Mitigate the Effects on Natural Environment

- *The Notifications Document shall include a notice regarding the presence of stormwater drainage facilities, a recommendation that EPA-certified wood stoves be installed to reduce air pollution and that wood burning stoves should not be used as the primary heat source, a recommendation to install full cut-off lighting for new*

construction, and a notification regarding open burning season timeframes.
(Condition 1)

- A noxious weed control provision shall be included in the protective covenants filed with this subdivision. (Condition 2)
- The following statement shall be shown on the face of the final plat: "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 14)
- A Beneficial Water Use Permit for the public water supply facilities shall be obtained from the Montana Department of Natural Resources and Conservation prior to final plat approval of the first phase. Evidence of adequate water rights to supply each phase of the development must be submitted to the Ravalli County Planning Department prior to final plat approval of each phase. (Condition 15)

CRITERION 5: EFFECTS ON WILDLIFE

Findings of Fact:

1. Notification letters were sent to Montana Fish, Wildlife, & Parks (MFWP) requesting comments on June 13, 2007 and December 1, 2010. (Grantsdale Addition Subdivision File)
2. On March 30, 2006 MFWP submitted comments to the applicant's consultant requesting the inclusion of "Living with Wildlife" covenants due to the probable interaction of homeowners and wildlife common to the area. (Grantsdale Addition Subdivision Application)

Sensitive Species

3. According to Montana Natural Heritage Program (MNHP) dated September 15, 2010, the Western Toad, Bald Eagle, Westslope Cutthroat Trout, Townsend's Big-eared Bat and Gray Wolf are listed as species of concern that have been identified within the same section as the subject property. (Grantsdale Addition Subdivision Application)
4. The applicant contracted Joe Elliot, PHD, ecological consultant, to complete a Sensitive Species Report. The report concludes that the proposed subdivision will not have an impact on any of the identified species. (Grantsdale Addition Subdivision Application)
5. Two adjacent property owners state that the property serves as a corridor for elk from the Sleeping Child area to the Bitterroot River. (Exhibits B-1 and B2)

Conclusions of Law:

A subdivision proposal must be reviewed for its impacts on wildlife. (MCA 76-3-608(3), RCSR Section 3-2-8(b)(v)(E))

The Planning Department has found that the requested "Living with Wildlife" covenants are better suited to be recorded as part of the Notifications Document as the items listed within the document are more closely identified as recommendations for landowners rather than restrictions.

Overall Conclusion

6. Based on the findings within the Sensitive Species Report and the recommended condition of approval, potentially significant adverse impacts on wildlife will be sufficiently mitigated. (Staff Determination)

Recommended Condition to Mitigate the Effects on Wildlife

- The notifications document shall include recommendations for "Living with Wildlife". (Condition 1)

CRITERION 6: EFFECTS ON WILDLIFE HABITAT

Findings of Fact:

Notification letters were sent to Montana Fish, Wildlife, & Parks (MFWP) requesting comments on June 13, 2007 and December 1, 2010. (Grantsdale Addition Subdivision File)

7. On March 30, 2006 MFWP submitted comments to the applicant's consultant requesting the inclusion of "Living with Wildlife" covenants due the probable interaction of homeowners and wildlife common to the area. (Grantsdale Addition Subdivision Application)
8. MFWP submitted updated agency comment on January 24, 2011 encouraging the developer to consider providing for a through corridor as part of the subdivision design to help limit human/wildlife interaction. The letter also states that over the past several months, elk have been observed utilizing the subject property. (Exhibit A-11)
9. During a phone conversation on February 1, 2011, MFWP Region 2 Wildlife Biologist Michael Thompson provided clarification to the agency comment letter submitted January 24, 2011. MFWP wanted to be clear that the subject property is not considered critical wildlife habitat and that they want to encourage the inclusion of through corridors on all subdivision projects to limit wildlife/human interactions. (Exhibit A-12)
10. The property is not located within identified white-tailed deer and mule deer winter range. (Ravalli County GIS Data - MFWP)
11. The property is not located within identified elk winter range. (Ravalli County GIS Data - MFWP)
12. Two adjacent property owners state that the property serves as a corridor for elk from the Sleeping Child area to the Bitterroot River. (Exhibits B-1 and B2)
13. Photographs taken February 3, 2011 were provided to the Planning Department on February 4, 2011 showing elk congregating on the subject property. (Grantsdale Addition Subdivision File)
14. The applicant contracted Joe Elliot, PHD, ecological consultant, to complete a Sensitive Species Report. The report concludes that there is no significant habitat located on the subject property that would promote the presence of any of the identified sensitive species. (Grantsdale Addition Subdivision Application)

Conclusions of Law:

A subdivision proposal must be reviewed for its impacts on wildlife habitat. (MCA 76-3-608(3), RCSR Section 3-2-8(b)(v)(E))

Overall Conclusion

15. Based on the findings within the Sensitive Species Report, comments received by MFWP and the recommended condition of approval, potentially significant adverse impacts on wildlife habitat will be sufficiently mitigated. (Staff Determination)

Recommended Condition to Mitigate the Effects on Wildlife Habitat

- *The notifications document shall include recommendations for "Living with Wildlife". (Condition 1)*

CRITERION 7: EFFECTS ON PUBLIC HEALTH & SAFETY

Findings of Fact:

Traffic Safety (Vehicular and Pedestrian)

1. The property will be accessed via Skalkaho Highway, Grantsdale Cutoff Road and the proposed internal road network. (Grantsdale Addition Preliminary Plat, Ravalli County GIS)
2. The applicant provided evidence of approvable approaches from both the Ravalli County Road and Bridge Department (Grantsdale Cutoff Road) and the Montana Department of Transportation (Skalkaho Highway). (Grantsdale Addition Subdivision Application)
3. The preliminary road plans show the location of proposed stop and road name signs. (Grantsdale Addition Subdivision Application)
4. The applicant is proposing to construct a combination of 5-foot wide concrete sidewalks and 3.5-foot wide striped bike paths throughout the subdivision. (Grantsdale Addition Subdivision Application and Attachment A)

5. The applicant is not proposing any off-site pedestrian facilities at this time. (Grantsdale Addition Subdivision Application)
6. Public comment letters received from adjacent property owners express concern with the increased traffic along Grantsdale Cutoff Road and the lack of pedestrian facilities on said roadway. (Exhibits B-1, B-2 and B-3)
7. The preliminary road plans were approved September 21, 2007 by the RCRBD. (Grantsdale Addition Subdivision Application and File)
8. A Traffic Impact Analysis (TIA) was completed by HKM Engineering Inc. The TIA was reviewed and approved by the RCRBD with the understanding that an updated TIA will be submitted for review prior to the approval of Phase 2A and that the applicant confirm the legal status of Grantsdale Cutoff Road and provide improvements to the entire portion of road fronting the subject property. (Grantsdale Addition Subdivision Application)
9. The TIA was also submitted to MDT for review. Correspondence from MDT indicates that the preliminary review of the TIA has been completed and that MDT is now awaiting design plans for required improvements to Skalkaho Highway as determined by MDT. (Grantsdale Addition Subdivision Application)
10. Email correspondence submitted by MDT indicates that an evaluation of the intersection of US 93 and Skalkaho Highway will be conducted to determine the necessity for the installation of signals. In addition to the evaluation of whether the intersection warrants signals, a speed study will be completed. The evaluations are scheduled for spring 2011. (Exhibit A-9)
11. In an email dated February 4, 2011 (Exhibit A-10), MDT Transportation Planning Engineer Jean A. Riley provided comment expressing MDT's concern regarding the proposals impact on the intersection of Skalkaho Highway and Grantsdale Cutoff Road and the effects of the subdivisions stormwater drainage on Skalkaho Highway. Based on the concerns expressed MDT has requested the following occur prior to filing of Phase 1A:
 - a. The developer submits drainage plans to MDT that includes pre and post development impacts of the 2-year, 25-year and 100-year storm event on the existing 24 inch culvert south of the Skalkaho Highway intersection with Grantsdale Cutoff Road.
 - b. The developer submits an updated Traffic Impact Analysis that specifically focuses on the impacts to the intersection of Skalkaho Highway and Grantsdale Cutoff Road.
12. The County School Superintendent, Ernie Jean, sent a letter to the Ravalli County Commissioners stating that the Ravalli County Educational Transportation Committee has adopted a resolution requesting that the Commissioners establish a requirement that the applicants 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-4)

Emergency Vehicle Access and Response Time

13. The proposed subdivision will be served by the Hamilton Rural Fire District (HRFD), the Ravalli County Sheriff's Office, and Marcus Daly Memorial Hospital EMS Department. (Grantsdale Addition Subdivision Application)
14. The HRFD provided updated agency comment regarding the proposal on December 26, 2010 (Exhibit A-2) outlining the district's preferences for mitigation. The HRFD requests the following:
 - a. Fire hydrants spaced every 500 feet with a required fire flow of no less than 1,500 GPM sustained for two hours with a minimum of 20 PSI, and
 - b. Water to be supplied by option #2 or #4 as outlined in the Fire Protection Standards; Or
 - c. A voluntary contribution payment of \$900 per lot in lieu of the above outlined fire flow/water supply system; Or
 - d. Another alternative as approved by the HRFD.

15. The HRFD, and the Ravalli County Sheriff's Office are located approximately 3.1 miles from the proposed subdivision and the Marcus Daly Memorial Hospital EMS Department is approximately 3.8 miles. (Grantsdale Addition Subdivision Application)

Water and Wastewater

16. The applicant is proposing a community water system and a community wastewater treatment facility. (Grantsdale Addition Subdivision Application)
17. The applicant submitted water and sanitation information per MCA 76-3-622. The Ravalli County Environmental Health Department provided documentation indicating that they have received adequate information for local subdivision review to occur. (Ravalli County Environmental Health Department Subdivision Review Checklist)
18. Groundwater monitoring occurred on the site in 1996, 2003 and 2005. The most recent monitoring information showed the shallowest depth to groundwater to be 61" below ground surface. (Grantsdale Addition Subdivision Application)
19. The MDEQ issued a Montana Ground Water Pollution Control System Permit on September 1, 2006. The permit expires on September 30, 2011. (Grantsdale Addition Subdivision Application)
20. The subdivision will be served by a public water supply. Two public water supply wells have been approved and installed in accordance with MDEQ guidelines. Plans and specifications meeting the requirements of DEQ-1 for the construction of well pumps, appurtenances, distribution and any treatment are required to be submitted to the MDEQ for review and approval prior to construction. (Grantsdale Addition Subdivision Application)
21. The applicant is seeking to obtain a Beneficial Water Use Permit (BWUP) to appropriate groundwater from the two public water supply wells from the Montana Department of Natural Resources and Conservation (DNRC). The application was submitted on December 23, 2005. (Grantsdale Addition Subdivision Application)
22. Water Right Application No. 76H 30018577 was denied by the DNRC on September 15, 2009. The Permit Application Statement of Opinion cites a failure of the applicant to submit an acceptable mitigation plan as the reason for the decision. (Grantsdale Addition Subdivision Application)

Natural and Man-Made Hazards

23. 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)
24. The addition of 181 lots in an area that currently is used for agricultural and low density residential purposes 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)
25. According to USDA soils data, the vast majority of the property consists of soil type identified as Hamilton-Overwhich complex. This soil type is not rated "very limited" for the construction of either roads and streets or residential dwelling units with or without basements. (Grantsdale Addition Subdivision Application and NRCS Web Soil Survey)
26. The Board of Health (BOH) submitted a standard comment letter to be considered for all subdivision proposals on August 17, 2009 (Exhibit A-8). Within the letter, the BOH requested that a covenant or notification to future landowners be included outlining the provisions associated with junk vehicle regulations and open burning season.

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 (Vehicular and Pedestrian)

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

Emergency Vehicle Response Time

3. In accordance with Ravalli County Subdivision Regulation Design Standards and Hamilton Rural Fire Department "Fire Protection Standards", all roads and driveways providing access to and within the proposed subdivision will meet County and Fire District standards which will ensure adequate emergency vehicle access. (Staff Determination)

Water and Wastewater

4. In accompaniment to the preliminary plat submittal, the applicant is required to submit water and sanitation information in accordance with the requirements outlined within MCA 76-3-622(2).
5. The applicant is required to submit a DEQ Certificate of Subdivision Approval prior to final plat approval. (Final Plat Requirement 9)
6. In order to utilize the proposed public water supply wells, the applicant is required to obtain a Beneficial Water Use Permit from the Department of Natural Resources and Conservation prior to final plat approval of Phase 1A. (Condition 18)

Overall Conclusion

27. With the conditions and requirements of final plat approval, potentially significant adverse impacts of the subdivision on public health and safety will be sufficiently mitigated. (Staff Determination)

Recommended Conditions to Mitigate the Effects on Public Health and Safety

- *The Notifications Document shall include notifications of the location of no-ingress/egress zones, the potential presence of radon, a recommendation to install full cut-off lighting, a notification of open burning season timeframes, and notification regarding junk vehicle laws. (Condition 1)*
- *The covenants filed with the subdivision shall include provisions requiring posting of County-issued addresses and requirements for installation of driveways in accordance with adopted fire protection standards Condition 2)*
- *The applicant shall provide evidence with the final plat submittal that they have applied for County-issued addresses for each lot within the proposed phase. (Condition 4)*
- *Prior to final plat approval of each phase, the applicant shall provide a letter from the Hamilton Rural Fire District stating that the HRFD has reviewed and agreed upon the acceptance of mitigation. The agreed upon mitigation must be based on the following options:*
 - a. Fire hydrants spaced every 500 feet with a required fire flow of no less than 1,500 GPM sustained for two hours with a minimum of 20 PSI, and*
 - b. Water to be supplied by option #2 or #4 as outlined in the Fire Protection Standards; Or*
 - c. A voluntary contribution payment of \$900 per-lot in lieu of the above outlined fire flow/water supply system; Or*
 - d. Another alternative as approved by the HRFD. (Condition 5)*
- *The following statement shall be shown on the final plat: "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 mitigation and a plan for implementation of mitigation for each phase with the BCC to alleviate identified effects of the subdivision on Public Safety Services (Sheriff, E-911, DES). The applicant shall provide evidence that the decided upon mitigation for each phase has been implemented prior to final plat approval of the phase. (Condition 8)*
- *The applicant shall install temporary turnarounds with a 50-foot radius at all locations that will provide future road connections throughout the subdivision. Each temporary turnaround shall be constructed with a compacted all weather travel surface capable of accommodating emergency service vehicles. (Condition 13)*
- *A Beneficial Water Use Permit for the public water supply facilities shall be obtained from the Montana Department of Natural Resources and Conservation prior to final plat approval of the first phase. Evidence of adequate water rights to supply each phase of the development must be submitted to the Ravalli County Planning Department prior to final plat approval of each phase. (Condition 15)*
- *Prior to submitting the final plat for Phase 1A, the applicant shall submit an updated Traffic Impact Analysis (TIA) to MDT for review. The TIA shall include an analysis of the subdivisions impact on the design and function of the intersection of Skalkaho Highway and Grantsdale Cutoff Road. The applicant may be required to install an eastbound turn lane off Skalkaho Highway at the intersection of Grantsdale Cutoff Road based on findings of the TIA in conjunction with the necessity as determined by MDT. (Condition 16)*
- *The applicant shall work with the Hamilton School District to determine if a bus shelter and/or school bus turnouts should be constructed near the Jackie Drive/Grantsdale Cutoff Road intersection. The applicant shall provide evidence that they have worked with the School District prior to final plat approval of Phase 1A. If any improvements are required, the applicant shall certify the improvements have been installed prior to final plat approval of Phase 1A. Easements for the required improvements, if needed, shall be shown on the final plat for Phases 1A. (Condition 17)*
- *The final plat shall show a no-ingress/egress zone along the Grantsdale Cutoff Road and Skalkaho Highway frontages of the subdivision, excepting the MDT and RCRBD approved access points. (Condition 18, 23, 29, and 32)*
- *The applicant shall improve Grantsdale Cutoff Road to County-standards for new construction over the entire property frontage beginning at the intersection with Skalkaho Highway and ending at the eastern property boundary of the subject property. (Condition 19)*
- *The applicant shall construct pedestrian facilities in accordance with Attachment A. (Conditions 20, 24, 26, 28, 30 and 34)*
- *Prior to submitting the final plat for Phase 2A, the applicant shall submit an updated Traffic Impact Analysis (TIA) to the RCRBD for review. The TIA shall include an analysis of the subdivisions impact on the design and function of the intersection of Grantsdale Cutoff Road and Grantsdale Road. Additionally, the TIA shall consider the need for pedestrian access along Grantsdale Cutoff Road leading to Grantsdale School. The applicant may be required to provide additional mitigation based on the findings of the TIA. (Condition 25)*
- *The applicant shall submit an approach permit from the Montana Department of Transportation (MDT) for the access to Skalkaho Highway. It is assumed that prior to issuing an approach permit MDT will ensure that any required improvements to*

mitigate the effects of the traffic generated by the subdivision onto State highways will be completed by the applicant in consultation with MDT. (Condition 27)

Commissioner Iman opened public comment.

Nathan Lucke thanked the Planning Staff and the Planning Board for their efforts and hard work. This is a good project located in an area with both residential and commercial development. They mostly agree with the staff report and would like to discuss the amendments to the conditions of approval as the Board goes through each of the review of the criteria.

Kent Kearns stated this project has been in the works for eight years and has worked with the Planning Department from the beginning. He discussed the groundwater monitoring that had been conducted on-site as being more extensive than any other within the County. The density is good for the area. If Walmart does decide to come back and develop, this subdivision would be in good proximity.

Laura Garber is the owner of Homestead Organic Farms. She has spoken to Kent many times over the years. This is prime agricultural land and it is the job of the County to protect agricultural land. It is setting up the County for failure by not protecting farmland. She concluded that if the proposal was to be approved that the BCC should make it a priority to take a hard look at ways to protect agricultural land moving forward.

Hiram Callwin asked if anyone has considered how this would be to live next to for 20 years. He used to live adjacent to an apartment complex and there are many issues that arise like dust, back up alarms during the construction stages of projects.

Chuck Rubik asked whether the DEQ review of the air quality includes a look at the cumulative effect of all the additional cars being generated by development. His concern is with those who have breathing problems. While the developer thinks this is an ideal project, it is not. Losing open space with prime agricultural land is a crime.

Ren Cleveland stated he drove by this land daily on his bus route and he is a farmer. This is prime farmland if it is actually farmed by someone who knows what they are doing. He noted for record the comment made regarding Walmart. Someone on the Board of Commissioners was involved in trying to get Walmart here. He requested their vote be revoked due to a conflict of interest. Commissioner Foss stated her husband had the Walmart contract and it has nothing to do with this subdivision proposal. Civil Counsel Karen Mahar asked Commissioner Foss if she possesses any confidential information that would substantially further her economic interest, accepted any gifts of value or economic benefit, or any information that would tend to improperly influence a reasonable person in her position from the faithful and partial discharge of her public duty, having any interest in any business or undertaking that may be affecting the economic benefit of approving this subdivision. Commissioner Foss replied no and stated her husband may have a contract in the future that may provide economic benefit. Civil Counsel Karen Mahar stated MCA 2-2-104 & MCA 2-2-105 is what she is following for code of ethics. If there is no direct economic benefit, Commissioner Foss may participate in the quasi-judicial role of the Board of Commissioners. Commissioner Iman disclosed he is a realtor but does not have anything to do with this subdivision proposal. **Commissioner Chilcott made a motion that the Board finds no conflicts of interest. Commissioner Kanenwisher seconded the motion and all voted "aye". (5-0)**

Commissioner Iman closed public comment. Tristan suggested beginning the discussion by reviewing the staff report from start to finish beginning with the prerequisites to approval first before discussing the seven review criteria. The Board concurred.

- A. Provides easements within and to the proposed subdivision for the location and installation of any planned utilities.** Commissioner Iman asked if there is adequate easement for the bike paths. Tristan replied yes, the road easement will be 60 feet. Commissioner Iman asked about the left turn lane that may be needed on Skalkaho Highway. Tristan replied there is the potential for MDT to require two left hand turn lanes to be constructed on Skalkaho Highway, one onto Grantsdale Cutoff Road and one located at the proposed Skalkaho Highway access to the subdivision. Commissioner Chilcott agreed to the conclusions of law and 13 findings of fact within the staff report. Civil Counsel Karen Mahar clarified the process of board deliberation. **Commissioner Chilcott made a motion to accept the 13 findings of fact and 4 conclusions of law for prerequisite A for easements. Commissioner Stoltz seconded the motion and all voted "aye". (5-0)**
- 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.** Commissioner Iman addressed finding of fact #7, the road maintenance agreement and the need to be legally compliant and requested upon final plat to have it reviewed by the County Attorney's Office. Commissioner Chilcott stated he is concerned with putting the County Attorney's Office in the subdivision review process in what is a civil contract between the homeowners. Commissioner Foss expressed her concern of opening a door for more litigation. Tristan stated current regulations provide contents required to be included within a road maintenance agreement, which as part of the subdivision regulation review process had more than likely been reviewed by the County Attorney's Office. **Commissioner Chilcott made a motion to accept the 10 findings of fact and 4 conclusions of law for prerequisite B legal and physical access, including the discussion of easement approaches. Commissioner Foss seconded the motion and all voted "aye". (5-0)**
- 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.** Commissioner Chilcott asked Staff to clarify the Board's ability to require additional conditions for future phases related to mitigating issues related to public health and safety. Tristan stated that with the final plat of each phase, the Board will have a chance to review and add any necessary conditions as long as they are to mitigate the phases impacts on public health and safety. Karen Mahar stated the Board can adopt a conclusion of law for the subdivision regulation 3-4-3 for the final plats approved for phase development. She stated it can also be done by an additional finding of fact. Commissioner Chilcott agreed to add this to the conclusions of law stating the subdivision regulations address the issue of the phases. The Board concurred. **Commissioner Chilcott made a motion to accept the 4 findings of fact and 4 conclusions of law for prerequisite C, including the additional conclusion of law stating that the final plat of each phase shall be reviewed in accordance with Section 3-4-3, RCSR and 3-2-9(f)(iv), RCSR**

and that all improvements will be completed in accordance with Section 3-4-2, RCSR. Commissioner Stoltz seconded the motion and all voted "aye". (5-0)

- 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 of the RCSR have been considered and will be accomplished before the final plat is submitted. Commissioner Iman stated under item 3 in the conclusions of law, strike the word "rights" and replace with "shares". Commissioner Stoltz made a motion to accept the 4 findings of fact and 3 conclusions of law for prerequisite D, including the change of the word "rights" to "shares". Commissioner Foss seconded the motion and all voted "aye". (5-0)**
- E. Assures that the requirements of 76-3-504 (1)(k) MCA, regarding watercourse and irrigation easements as set forth in Chapter 5 of the RCSR have been considered and will be accomplished before the final plat is submitted. After discussion, it was determined to change all "rights" to "rights/shares". Civil Counsel Karen Mahar stated in the conclusions of law item two, the RCSR citation should be 5-6-3 not 5-6-2. The board concurred with Karen. Commissioner Iman confirmed under item five there aren't any downstream water users. Commissioner Foss made a motion to accept the 4 findings of fact and 5 conclusions of law for prerequisite E, including the change to conclusions of law item two, the RCSR citation to 5-6-3 and adopting a finding of fact to acknowledge there are no downstream users. Commissioner Chilcott seconded the motion and all voted "aye". (5-0)**
- F. Provides for the appropriate park dedication or cash in lieu, if applicable. Tristan stated there has been discussion between the developer and the Park Board and the Park Board has preliminarily come to an agreement with the developer to accept the park land dedication. Commissioner Chilcott expressed his concern with the septic system being located under the proposed park. He requested an indemnification agreement for liability in the event that something goes wrong with the septic system. Nathan Lucke replied that the Park Board has known about the septic system under the park from the beginning and that before ownership is transferred to the County there has to be an agreement in place in regard to maintenance of the drainfield. He recommended a change in the conditions for parkland dedication, acknowledging that as proposed the developer has exceeded the statutorily required parkland dedication amount. Commissioner Kanenwisher stated whether it is the Homeowners Association or the Park Board performing the maintenance, the parkland dedication is fulfilled. Civil Counsel Karen Mahar stated under the conclusions of law item three, it is the Board's decision to accept the applicants request to donate parkland if sufficient agreement can be reached. Item four should be re-worded to "has been transferred to Ravalli County or Homeowners Association". Tristan offered to strike item four under the conclusions of law. Commissioner Iman noted this is accepting servicing rights not land. Within the water right system, this land has to have water rights and asked if they are going to be retained. Commissioner Kanenwisher asked if the property would be deeded to the County with the drainfield. Kent replied yes. Commissioner Stoltz clarified the removal of conclusion 4 and tweak item 3 that the applicant has provided park land to meet State requirements. Nathan Lucke stated there is a preliminary agreement with the Park Board. Civil Counsel Karen Mahar recommended adding a conclusion of**

law to reflect the acceptance of parkland dedication. Tristan suggested language that the Board accepts the proposed parkland common area #2, which shall either be reserved for recreational use for residents within the development or donated to the County Park Board to meet the requirement of park land dedication. Kent stated the requirement is 5.6 acres and they redesigned it to 9 acres for a nice park area. **Commissioner Kanenwisher made a motion to accept the 7 findings of fact and 4 conclusions of law for prerequisite F, modifying of 5 prior to acceptance of final plat approval and amending conclusion of law item 3 to the Board accepts the proposed parkland common area #2 shall be reserved for recreational use within the development or donate the land to the County Park Board to meet the requirement of park land dedication section 6-1-5 and removing conclusion item four. Commissioner Stoltz seconded the motion and all voted "aye". (5-0)**

Compliance with applicable regulations:

- A. These regulations, including, but not limited to, the standards set forth in Chapter 5. Tristan pointed out a clerical error (reference to FlatIron Subdivision) and will correct it. Commissioner Chilcott made a motion to accept Item A as amended by staff. Commissioner Foss seconded the motion and all voted "aye". (5-0)**
- B. Applicable Zoning Regulations. Commissioner Chilcott made a motion to accept Item B. Commissioner Stoltz seconded the motion and all voted "aye". (5-0)**
- C. Existing covenants and/or deed restrictions. Commissioner Chilcott made a motion to accept Item C. Commissioner Stoltz seconded the motion and all voted "aye". (5-0)**
- D. Other applicable regulations. Commissioner Foss made a motion to accept Item D. Commissioner Kanenwisher seconded the motion and all voted "aye". (5-0)**

Commissioner Iman recessed for ten minutes at 11 a.m. The Board reconvened at 11:10 a.m.

Criteria One: Effects on Agriculture: Commissioner Kanenwisher stated under MCA 76-3-608, the Board can address the impacts on agriculture. The only conclusion that can be made is the only entity losing prime farmland is the owner. He asked when mitigating, to whom is the loss? He does not see any legal basis for the Board to force a landowner to mitigate for the loss of a use that he has decided is not productive; in this case agriculture. Karen Mahar stated there are two roles the Board of County Commissioners has in subdivision review one is legislative and the other is quasi-judicial. There are valid criteria that need to be valued and weighed for the subdivision review. Paul Forsting stated 4.89 acres have been offered as a Community Garden to mitigate the loss of prime farmland. He requested no agricultural covenant be placed on the land should the land fail to be viable in the future. Discussion followed regarding whether or no to have the agricultural covenant. Tristan discussed the agricultural covenant being able to be lifted without going through the subdivision review process. Commissioner Iman expressed his concern with an irrevocable agricultural covenant and a drain field under the property. Nathan stated the property will have a level two wastewater treatment system. The Board then reviewed the comments received by Laura Garber and Carlotta Grandstaff. (Exhibits B8 & B9)

Commissioner Kanenwisher made a motion to add a finding of fact #5 that the developer will install a level two wastewater treatment system and add language to conclusion of law #2 that reflects the public comment letters submitted and incorporated as Exhibits B-8 and B-9 as well as public comment made by Laura Garber. Commissioner Foss seconded the motion and all voted "aye". (5-0)

Condition #31 to be amended to include language the applicant will place an agricultural covenant that may be lifted under the Board of Commissioners through the public meeting process at the request of the landowner.

Commissioner Chilcott made a motion to accept Criteria One: Effects on Agriculture based on the findings of fact as amended with the addition of finding of fact #5 under adjacent agricultural operations and the amendment to Condition 31 under mitigating conditions of approval specific to phase 3, and the conclusions of law as presented by Staff with amendment to conclusion of law #2 to reflect the letters submitted and incorporated as Exhibits B-8 and B-9 as well as public comment made by Laura Garber.. Commissioner Stoltz seconded the motion and all voted "aye". (5-0)

Criteria Two: Effects on Agricultural Water Users: Commissioner Iman asked within the section, if there needs to be a provision for restricting irrigation practices that could potentially flood the proposed drainfields. Discussion followed regarding the required language needed. Civil Counsel Karen Mahar stated according to the wastewater and treatment regulations Article 3, Section 3.1, Subsection L, Subsection 8 – it is the responsibility of the property owner and future property owners. There is also a DEQ regulation that is similar. These regulations will be addressed within those notifications and enforced by those entities. Commissioner Chilcott suggested adding to Condition 1, the notification document to include DEQ and local regulations. Commissioner Stoltz made a motion to accept Criteria Two as amended to include the addition to Condition 1 to include DEQ and local regulations in the notification document. Commissioner Chilcott seconded the motion and all voted "aye". (5-0)

Criteria Three: Effects on Local Services: Fire District: The Board concurred with the findings of fact presented in the staff report. **School District:** Commissioner Chilcott asked about mitigation. Nathan stated the offered mitigation is a bus turnout and/or shelter. MCA 76-3-510 states the County cannot deny a subdivision based solely on impacts to a school district. Commissioner Chilcott stated this is mitigating the expense occurred to the taxpayers excluding capital fees. Commissioner Foss stated that as soon as this property is taken from an agricultural operation to residential, there is an impact. Commissioner Kanenwisher stated part of the mitigation is the proposed bus turnout. When a student goes to school, the school gets paid for the student being there. Commissioner Chilcott stated the issue is the lag time of when the student is enrolled to when the school receives the funds; the lag time is one year. Commissioner Kanenwisher discussed the impact to the school not being until the property is conveyed. Nathan Lucke reviewed the equation used for calculating the impact to the school district. There are components that need to be considered such as empty lots without homes that taxes get collected upon. He presented the Board with a chart of other counties and what they collect for mitigation fees for school and emergency services. There are only three other counties that collect mitigation fees. Sanders County collects \$25 per lot for schools and emergency services, Gallatin County collects \$70 per lot for school and nothing for emergency services and Mineral County collects \$100 for emergency services and nothing for schools. He compared that to what Ravalli County collects. Kent stated most families with children are moving away due to the lack of jobs. The people who are buying homes are the 55+ age groups without children and stated these

mitigation fees are unfair. Commissioner Foss stated we are a county that is unfriendly for business. **Commissioner Kanenwisher made a motion that no mitigation fees be collected for the school district. Commissioner Foss seconded the motion.** Discussion: Commissioner Chilcott stated there was a study done in 2007 of when positive cash flow would be received by the tax districts. Ravalli County is different from any other county. Based on the data to base decisions on, there is a fiduciary responsibility to the taxpayers of this county to keep the costs down. Discussion followed regarding the phasing of the subdivision and when the increase of taxable value happens. Tristan asked Nathan Lucke if the Counties were asked if they collected anything other than cash for mitigation. Nathan replied that he did not ask whether other forms of mitigation had been requested and/or asked for. Commissioner Iman stated due to a slow moving housing environment, the school district will see tax revenue prior to the enrollment of students. **Commissioner Iman, Commissioner Foss, Commissioner Stoltz and Commissioner Kanenwisher voted "aye". Commissioner Chilcott voted "nay". (4-1)**

Michael Howell questioned the process of this subdivision. Civil Counsel Karen Mahar stated due to the Board receiving training and recent issues, the Board must address the findings of fact and conclusions of law line by line, after which the public has had opportunity for general comment and may do so again after board deliberation.

Commissioner Chilcott made a motion to include an additional finding of fact that each phase will have vacant lots in the tax base and that the current economy will have an effect on school enrollment. Commissioner Foss seconded the motion and all voted "aye". (5-0)

William Menager stated the increased taxes on each lot will mitigate the impact to the school districts. He requested that during each phase, the impact to the school district be revisited.

Commissioner Iman recessed at 12:55 p.m. The Board reconvened at 1:15 p.m.

Public Safety Services: Nathan Lucke reviewed the mitigation fee project history for Ravalli County. He does not believe mitigation fees for public safety services are necessary for this subdivision. Kent stated he spoke to an employee within the Sheriff's Office for what impact this subdivision would have on their department. This individual replied this subdivision would not have any impact. Commissioner Iman finds Kent's comment out of order since there isn't any finding of fact to support it. Commissioner Kanenwisher asked if there is any cost to the County directly related to public safety services that can be calculated. Commissioner Chilcott replied anytime construction happens, there is theft of tools and other materials and that adds to the response for the Sheriff's Office and 9-1-1 Dispatch. There is potential for increase to the Sheriff's Office. Commissioner Kanenwisher stated if there was a big subdivision in the north end of the valley, there would be an argument for increased services from the Sheriff's Office. The actual cost of maybe three additional trips per year needs to be calculated. Commissioner Chilcott stated our citizens deserve the same service throughout the valley and proximity to the Sheriff's Office should not be a determining factor in what level of service should be expected. Commissioner Iman disagreed with Commissioner Kanenwisher. He has gone on patrol rides throughout the valley and citizens are receiving the same level of service from Florence to Sula. The distance of response should not be judged but rather the level of service and the cost of those services. Commissioner Foss stated there is an impact to services with an increase of people. If this subdivision is going to be a 55 plus community, that will increase calls to 9-1-1 and emergency response. There is an obligation to fund the increase but does not necessarily believe this is the right venue. Commissioner Chilcott stated in FY 2009 the total calls to Sheriff's Office were 10,922. Commissioner Kanenwisher stated the only gap is when the taxes are paid to when they are received. These mitigation fees need to be based on actual cost. Commissioner Chilcott

stated a formula would need to be made to include coroner calls, animal control calls, domestic disputes, etc. and then emergency response calls for an average call per person. Nathan stated the formula would ignore the vacant lots and people moving from within Ravalli County. He encouraged the Board to stick with the current subdivision regulations and what is currently on the record for determining mitigation fees. Commissioner Iman stated for the record, he is not comfortable without any offered mitigation fees for the impacts to public safety services. Discussion followed regarding mitigation fees and the lag time. Civil Counsel Karen Mahar stated because this is a phased proposal, the mitigation fees may be addressed throughout the phases as they come before the Board. Discussion followed regarding if the mitigation fees should be payable at final plat or first conveyance.

Commissioner Iman recessed at 1:45 p.m. The Board reconvened at 1:55 p.m.

Commissioner Foss expressed her concern regarding services being provided by statutes and the gap for paying for it. Nathan requested Commissioner Iman to put on record what was convened in the hall during the recess regarding the difference between. Nathan offered \$100 per new lot payable upon first conveyance. **Commissioner Kanenwisher made a motion to accept the offer of \$100 per lot payable upon first conveyance for public safety services.**

Commissioner Foss seconded the motion. Discussion: Commissioner Iman noted for record, within the school funding structure, the schools take a census in October and March. The State reimburses the school districts based on a formula twice a year. This mitigation for public safety services is different whereas there is no reimbursement from the State at any time.

Commissioner Kanenwisher amended his motion that the Board accepts the proposed mitigation finding that it minimizes the adverse impact to public health services and to include the finding of fact from Commissioner Iman that the mitigation to schools is different from the collection of taxes. Commissioner Chilcott seconded the motion and all voted "aye". (5-0)

Ambulance Services: Tristan will strike findings of fact #24, #25 and #26 due to duplication. Commissioner Chilcott made a motion to accept the Ambulance Services findings of fact minus items 24, 25 & 26. Commissioner Foss seconded the motion and all voted "aye". (5-0)

Roads: David Ohnstad stated the preliminary design has been approved for the interior roads. The Road & Bridge Department has requested that the developer construct Grantsdale Cutoff Road over the entire frontage of the subject property. Nathan requested amendments to proposed Conditions 10 and 25. Nathan stated that MDT should not have the ability to review the grading, drainage, and stormwater plans prior to the filing of each phase as requested. The Road & Bridge Department and DEQ already review and approve the plans. Commissioner Kanenwisher stated the MDT review before every phase would be redundant. Nathan pointed out the drainage on the map and where the common area is. DEQ has already approved the drainage area. Potentially, as the right of way owner, if the rest of the project is not approved, it would have an effect and therefore the MDT recommended reviewing per phase. They will have more stringent rules per phase and he does not believe there should be any more additional reports than needed. Commissioner Chilcott asked what happens if the other lots do not get developed against MDT's infrastructure. He wondered if that would put the taxpayers at risk for liability. Tristan stated that the request for MDT to review the grading, drainage and stormwater plans comes from correspondence included as exhibit A-10 in the staff report. MDT's concern is the culvert under Skalkaho highway that they would like to review on a stage by stage process. Nathan stated reviewing stage by stage is fine due to the changes in grade and drainage. David Ohnstad stated MDT is a partner agency to Ravalli County, and that making the request to review this phase by phase to ensure there will be no impact to their infrastructure is not out of line. Civil

Counsel Karen Mahar stated there is case law in a recent case for impacts to infrastructure and since there is a direct request, she recommended complying with the request. Commissioner Kanenwisher stated he does not have the knowledge about the ability of MDT to request/require additional review. Michael Howell requested clarification of what would be reviewed. Nathan detailed what is included within the grading, drainage and stormwater plans. Tristan stated MDT wants insurance that their culvert will not be impacted. Paul Forsting stated this subdivision is being reviewed under the current subdivision regulations and this is a fundamental issue. He asked to move on. Nathan stated they are required to improve Grantsdale Cutoff Road from the access point to Skalkaho Highway (Condition 19). Paul Forsting stated that they will submit an updated TIA but improving Grantsdale Cutoff Road over the entire length of the property is not required by the regulations. Tristan cited section 5-4-8, RCSR as providing the authority to require the requested off-site improvements. Nathan suggested while it may be necessary to improve, it should be addressed once the TIA report comes out. David Ohnstad stated frontage improvements are common and justifiable. The situation is 5% of traffic will make an eastbound movement. The fact is people will go to the road less traveled. He does not know if it is an unreasonable request for the extra 600 feet of improvement to Grantsdale Cutoff Road. The 5% projection is a guess and over the course of the first phase would give a better idea of what would be needed. Commissioner Stoltz stated for the first 25 lots, a TIA should be done to the east. Nathan stated his request is to wait on making the improvements to the road until the TIA report is complete. Commissioner Foss stated she drives the road frequently and it is not the least resistance road. The Board concurred to postpone the road going east until the TIA report is available. Tristan stated it require removing Condition 19 and amend Condition 25 to change "may" to "shall". David Ohnstad stated things can change within ten years with increasing traffic. If that continues to become more challenging, there will be some folks taking the back way. Karen discussed the pedestrian pathway and what may be requested through a TIA.

Commissioner Chilcott made a motion to accept Roads findings of fact as presented and amended language on Condition 19 the applicant shall include the improvements for Grantsdale Cut Off Road beginning at Skalkaho Highway and ending at the eastern access of the property through the curve radius for east bound traffic. Condition 25 on page 9 the last sentence shall say the applicant shall be required to provide additional mitigation based on findings of fact and proportionality of the TIA along the primary access route. Commissioner Foss seconded the motion and all voted "aye". (5-0)

Pedestrian Facilities: Commissioner Iman questioned the pedestrian pathways issue within public comment Exhibit B-9. David Ohnstad stated the only thing worse than not having a pedestrian facility is having one that is a dead end. The internal network of sidewalks is fine but a short segment of sidewalk that doesn't lead anywhere is counterproductive. Tristan stated the pedestrian facilities will be looked at again in Phase 2A with the submittal of the TIA in accordance with Condition 25. **Commissioner Stoltz made a motion to accept the pedestrian facilities with the findings of fact and conclusions of law. Commissioner Foss seconded the motion and all voted "aye".**

Water and Wastewater Districts: Commissioner Chilcott made a motion to accept the water and wastewater districts as presented with the findings of fact and conclusions of law. Commissioner Foss seconded the motion and all voted "aye". (5-0)

Commissioner Chilcott made a motion to accept the findings of fact for the Postal Service and Utilities. Commissioner Foss seconded the motion and all voted "aye". (5-0)

Commissioner Chilcott made a motion to accept all the conclusions of law for Criteria three as amended here today. Commissioner Stoltz seconded the motion and all voted “aye”. (5-0)

Commissioner Kanenwisher made a motion to continue the hearing at the conclusion of the next two meetings. Commissioner Foss seconded the motion and all voted “aye”. (5-0)

▶ The Board met to interview Valerie Stamey for Treasurer at 3:00 p.m.

▶ The Board met for discussion and possible decision to appoint a Treasurer at 4:00 p.m. Present were Human Resource Director Robert Jenni, CFO Klarryse Murphy and several citizens. Commissioner Iman discussed the process of how to come to a decision to appoint.

Commissioner Iman opened public comment for the process only.

Cliff Gibbons from Corvallis stated the resignation of the Treasurer was very distasteful. The candidate that the Commissioners approve must hit the ground running to avoid another fiasco. The citizens will not tolerate another mistake. Commissioner Kanenwisher asked what that means. Cliff replied if the Commissioners appoint someone who does not have any experience the public will not tolerate it.

Ren Cleveland suggested the public be aware of who cast which vote for the appointee.

Jeff Lowe from Hamilton asked if all candidates asked the same questions. Commissioner Iman replied yes. Jeff asked if the candidates got the questions prior to interview. Commissioner Kanenwisher replied not to his knowledge. Jeff thanked the Board for having an open public process and requested the Board weigh their personal relationships against who is best qualified.

Commissioner Iman closed public comment for the process only.

Commissioner Iman noted for record the written comment received regarding the Treasurer.

Human Resource Director Robert Jenni reviewed the process of appointing a Treasurer. He requested each Commissioner to name their top two candidates and then put it to a vote.

Commissioner Iman opened the floor for comment on individual candidates.

Cliff Gibbons stated he would choose a person who demonstrated carrying out the duties of Treasurer. He voted for JoAnne Johnson.

Ray Browning voted for JoAnne Johnson because she knows what she is doing. Marie Keeton is also very capable.

Lavonne Miller stated the new Commissioners stepped into a hornet’s nest. The others know JoAnne Johnson. She is very proud of JoAnne Johnson and JoAnne takes this job very seriously. JoAnne had no bitterness.

Jeff Lowe stated as a functionary of the Republican party. There was discussion of the process after the election. JoAnne Johnson could and should have won the election. There is a difficult decision in front of this Board.

Beverly Shockley voted for JoAnne Johnson.

William Menager stated JoAnne Johnson did a great job as Treasurer with one failure, there wasn't anyone trained to do her job when she left. We need someone who will train other employees.

Ren Cleveland stated he disagreed with William Menager since Marie Keeton took over after the Treasurer resigned. He is in favor of JoAnne Johnson.

Mary Kay Browning stated she trained JoAnne Johnson. She will train others and she can get this County back in shape.

Commissioner Foss did support JoAnne Johnson during her campaign and made phone calls on her behalf. She is looking for someone didn't have .

Commissioner Iman stated there are 71 written comments in support of JoAnne Johnson as Treasurer. Staff confirmed 71 in favor of JoAnne. Commissioner Kanenwisher objected to the tally of written public comment. He does not want this perceived as a "straw" vote. Commissioner Iman noted for record the objection of Commissioner Kanenwisher.

Commissioner Iman closed public comment and then called for a vote by the Board.

Commissioner Foss voted for Marie Keeton and Valerie Stamey.

Commissioner Kanenwisher voted for JoAnne Johnson and Marie Keeton.

Commissioner Iman voted for JoAnne Johnson and Marie Keeton.

Commissioner Chilcott voted for JoAnne Johnson and Marie Keeton.

Commissioner Stoltz voted for Marie Keeton and Valerie Stamey.

Commissioner Chilcott stated he is happy with the public process for this issue. Commissioner Foss explained her vote and stated she actively campaigned for JoAnne Johnson during the elections. A comment was made regarding the area of supervision and needs to be considered. The decision made will be the best decision for the citizens. Commissioner Stoltz stated his vote is based on what he believes is the best for the County. Commissioner Kanenwisher stated several comments were received for JoAnne Johnson from employee offices. He has some issues with how JoAnne ran her office without cross-training employees and the lack of policies and procedures. He does have some questions regarding conduct since the election. She is the only candidate chosen by the voters to vacate the office. Marie Keeton interviewed very well and had concrete ideas of how to rectify the issues and has stepped up to the plate. Commissioner Iman stated there were qualified candidates and given time any of them could run this office however, it was very clear that one candidate has been here for almost 20 years with 8 audits and no issues. The Board will continue to work on policies and procedures for every department in the future. He disagrees that cross-training did not take place with the Treasurer position. JoAnne Johnson has spent time with Marie Keeton cross-training her. JoAnne was chosen by the State to help work out the problems with the Merlin software which is a huge request and honor. The Treasurer Department has always been within budget in the past under JoAnne Johnson with only one request when the Merlin System came into have an additional employee. Two are qualified, one has eight years with audit experience and the other has been Chief Deputy for

eight years. Commissioner Chilcott stated JoAnne Johnson stands out with eight audits under her belt that resulted in clean records. She was also the first one to trim her budget when things got tight. The testimony from Marie Keeton speaks loudly for her former employer. **Commissioner Chilcott made a motion to offer the position to JoAnne Johnson as appoint Treasurer until the next election. Commissioner Iman seconded the motion.** Discussion: Commissioner Foss stated there were night and day differences between the interviews of Marie and JoAnne. Marie addressed the one big issue specifically of the need for cross-training. Part of the problem is what happened over the last two months. Someone must have carried the load while JoAnne dealt with the Merlin System. It's great to be friends but this needs to be a supervisor-employee relationship. The employees serve the citizens. She heard in the interview process that if an employee didn't like a task, they were moved until she found a good fit when the issue should have been if the employee was as good employee or not. Commissioner Stoltz stated Marie stood out due to stepping up and doing the job with the belief of serving the public. Commissioner Chilcott stated Marie has done a fabulous job however, JoAnne worked very hard to identify who had what skills and where they would best fit. He admires her for her hard work. Commissioner Foss stated even after JoAnne had time to think about it, she still didn't hone in on the issue of cross-training. Commissioner Chilcott disagreed and read some of JoAnne's interview answers that included cross-training and public service. Commissioner Iman stated in this situation, JoAnne's management supervision is under the Commission. The Commission allowed her to participate with the Merlin System and did cut 11% out of her budget when asked. JoAnne also had an opportunity as an un-elected official to state her position. Marie, until given the opportunity, did not. Marie made the statement that it is not her desire to usurp the training received, she recommended JoAnne Johnson. **Commissioner Iman and Commissioner Chilcott voted "aye". Commissioner Foss, Commissioner Kanenwisher and Commissioner Stoltz voted "nay". (2-3) Motion failed.**

Commissioner Kanenwisher made a motion to appoint Marie Keeton as Treasurer until the next election in 2012. Commissioner Chilcott, Commissioner Foss, Commissioner Kanenwisher and Commissioner Stoltz voted "aye". Commissioner Iman voted "nay". (4-1) Motion carried.

► The Board met for the continuation of the public hearing for Grantsdale Addition Major Subdivision at 5:00 p.m. Commissioner Iman requested a motion.

Commissioner Kanenwisher made a motion to dismiss Staff and use two recording devices which can be later transcribed as recorded minutes. Commissioner Stoltz seconded the motion and all voted "aye". (5-0)

The following minutes have been transcribed from a recording device.

Criteria Four: Effects on Natural Environment:

Surface Water Features: Commissioner Iman asked if there is another ownership between the Republican Ditch and this property. Tristan replied yes there is a mobile home park separating the Republican Ditch from the property. **Commissioner Chilcott made a motion to accept the findings of fact on surface water features as presented by Staff. Commissioner Foss seconded the motion and all voted "aye". (5-0)**

Ground Water Quality: Tristan clarified in finding of fact #8, the DEQ issued a discharge permit that expires in September 2011. Every five years the permit is required to be renewed. Karen suggested modifying the finding to include the need for renewal every five years. Commissioner

Kanenwisher stated they are required by regulation to obtain a new permit and does not know why it needs to be added. Karen replied it is a language confirmation of the need to obtain renewal. **Commissioner Chilcott made a motion to amend finding of fact #8 to state that ground water pollution control permits are issued every five years and must be renewed every five years. The current permit will expire on September 30, 2011 for a level two treatment system. Commissioner Kanenwisher seconded the motion and all voted "aye". (5-0)**

Commissioner Kanenwisher stated the permitting process has adequately addressed the concerns of Laura Garber's letter. Karen stated this would be an amended finding of fact with the conclusion about sufficiency. Commissioner Kanenwisher requested to amend findings of fact #13 to include public comment today (both written and oral) and those concerns are adequately addressed by the permitting process. The conclusion would be there that mitigation is not necessary for impacts to ground water as DEQ is the authority that must review and approve the wastewater treatment systems. Commissioner Chilcott disagreed. He believed the conclusion should remain as is. Karen stated the conclusion of law under adjacent agricultural operations, the permit assures the ground water will not be detrimentally affected, alleviating the concerns. Tristan stated it would replace conclusion five under ground water quality.

Commissioner Kanenwisher made a motion to accept the findings of fact and conclusions of law for ground water quality as amended which would remove conclusion of law #5. Commissioner Foss seconded the motion and all voted "aye". (5-0)

Wetlands: Commissioner Stoltz made a motion to accept the wetlands findings of fact. Commissioner Chilcott seconded the motion and all voted "aye". (5-0)

Air Quality & Light Pollution: Commissioner Kanenwisher stated there is public comment regarding the cumulative impact on air quality with the increase of traffic. He cannot find a correlation to this action. Commissioner Chilcott stated there isn't any data to support a conclusion. Commissioner Iman stated it is a matter for the DEQ not the Board of Commissioners. Discussion followed regarding data for other counties experiencing problems with air quality. Tristan stated the comment is addressed in findings of fact #18.

Commissioner Chilcott made a motion to accept the findings of fact and conclusions of law as present by staff for air quality and light pollution as amended to include public comment on finding of fact #18. Commissioner Stoltz seconded the motion and all voted "aye". (5-0)

Vegetation, Noise Levels & Historical/Archaeological Sites: Commissioner Foss requested the words "Flat Iron Ranch" be removed from findings of fact #26. The Board concurred. Commissioner Kanenwisher made a motion to accept the findings of fact and conclusions of law for vegetation, noise levels and historical/archeological sites as amended above. Commissioner Stoltz seconded the motion and all voted "aye". (5-0)

Criteria Five: Effects on Wildlife:

Sensitive Species: Tristan presented the Board with an additional public written comment from Ally DeBellis as well as written comment given by Mack Long (FWP) and Carlotta Grandstaff. Ally was present and therefore read her comments to the Board. She stated there is a big elk herd behind her home and it is in close proximity to the property being reviewed. Commissioner Chilcott stated as for the other comments, the concerns have been addressed with the recommended inclusion of a "Living with Wildlife" covenant.

Commissioner Kanenwisher discussed the letter from FWP requesting a wildlife corridor and elk habitat. Nathan stated for the record, it was considered by the Planning Board and found not significant. The Board determined the "Living with Wildlife" notification would adequately mitigate the effects on wildlife. Karen stated taking in public comment and the exhibits A-11 and A-12 would suffice for the corridor and the conclusion of law would be adequate for mitigation. Commissioner Kanenwisher stated findings of fact #2 would be public comment received during the March 3rd hearing that raises the issue of elk on the property.

Commissioner Kanenwisher made a motion to accept the findings of fact and conclusions of law under Criteria Five: Effects on Wildlife to add findings of fact #3 that public comment received during the March 3rd hearing of the existence of elk on the property had been considered and add conclusion of law #3 as defined by the Montana Natural Heritage Program that elk are not a sensitive species. Commissioner Kanenwisher amended his motion to include findings of fact #4 which would be the comments submitted by Planning Board member Skip Kowalski relating to elk habitat. Commissioner Foss seconded the motion and all voted "aye". (5-0)

Criteria Six: Effects on Wildlife Habitat: Commissioner Chilcott stated Mr. Kowalski's comments should be added to findings of fact #10 as above. Commissioner Kanenwisher also included exhibit B-9 and public testimony given at the hearing.

Commissioner Kanenwisher made a motion to accept the findings of fact and conclusions of law under Criteria Six: Effects on Wildlife Habitat including finding of fact #10 for the comments submitted by Skip Kowalski and adding to finding of fact #7 exhibit B-9 and to add conclusion of law #2 for the inclusions of "Living with Wildlife" notifications will ensure potentially significant adverse impacts associated with mammals and fisheries will be adequately mitigated. Commissioner Stoltz seconded the motion and all voted "aye". (5-0)

Criteria Seven: Effects on Public Health and Safety:

Ally DeBellis stated the evening she submitted the elk pictures to the Planning Board, an elk was hit in front of her house at 10 p.m. It was totally eviscerated on 75 feet and not picked up until after 4 a.m. in the morning. There have also been two horses hit by cars on the road. The road is a highway and is dangerous. This is 180 homes with an average of 2 ½ vehicles in a section of highway that is a killer. The car that hit the elk was totaled. This is a matter of public safety especially at night without any lighting. She doesn't understand why the Board would approve this subdivision if it would be a failure and an impact on public safety. It is a unique area.

Kelly Quinlan stated the first year he lived there, there were three rollovers with two in his front yard. There should be a patrolman there due to the high speed at the intersection. A bus pullout was discussed and he is concerned about the public safety issues. Tristan noted findings of fact number 10 for a response for Kelly's comments.

Commissioner Kanenwisher added a finding of fact # 7 to include both oral and written comments received during this hearing (items B-9 & B-10) of concern for increased traffic and speed limits along Skalkaho Highway and Sleeping Child Road. Commissioner Iman noted for record this involves a total of four intersections for concern. Commissioner Kanenwisher stated the study will address the proper speed limit. MDT approval of the access on the west side will

take those items into consideration. Karen recommended including the issue of animals in a finding of fact.

Commissioner Kanenwisher made a motion to amend the findings of fact under Criteria Seven: Effects on Public Health and Safety to add finding of fact #7 to include both oral and written comments received during the March 3rd public hearing (items B-9 & B-10) of concern for increased traffic and speed limits along Skalkaho Highway and related intersections and to add finding of fact #14 for MDT's review and approval process will address concerns raised regarding increased traffic and speed limits on Skalkaho Highway and add finding of fact #15 for MDT's speed study at the intersection of Skalkaho Highway and US Highway 93 to address public concern and add finding of fact #16 which would be the comments submitted by Planning Board member Skip Kowalski. Commissioner Foss seconded the motion. Discussion: Commissioner Chilcott stated the study on pedestrians should also be captured. Commissioner Kanenwisher amended his motion to include an amendment to finding of fact #5 for pedestrians. Commissioner Foss seconded the amendment. All voted "aye". (5-0)

Commissioner Kanenwisher made a motion to accept the findings of fact for Emergency Vehicle Access and Response Time. Commissioner Chilcott seconded the motion and all voted "aye" (5-0)

Commissioner Foss made a motion to accept the findings of fact for Water and Wastewater. Commissioner Stoltz seconded the motion. Discussion: Tristan stated finding of fact #19 was amended for the permit to be renewed every five years and should be included for level 2. Commissioner Foss amended her motion to include the amendment for finding of fact #19. Commissioner Stoltz seconded her amendment. All voted "aye" (5-0)

Commissioner Kanenwisher made a motion to accept the findings of fact for Natural and Man-made Hazards. Commissioner Chilcott seconded the motion and all voted "aye". (5-0)

Commissioner Kanenwisher made a motion to accept the conclusions of law for Criteria Seven: Effects on Public Health and Safety to add conclusion of law #3 under Traffic Safety to include traffic impact analysis and speed study to be performed by applicant and MDT and conclusions of law for Emergency Vehicle Response Time and Water and Wastewater. Commissioner Chilcott seconded the motion and all voted "aye". (5-0)

Civil Counsel Karen Mahar addressed a few administrative items as follows: Condition #3 for RSID waiver, there are statutory changes to remove the words "in perpetuity"; on page 13 finding of fact #12 needs to be changed to Grantsdale Addition instead of Flatiron; and on page 22 finding of fact #7 needs to be changed from Talons Cove to Grantsdale Addition.

Commissioner Chilcott made a motion to approve the above amendments for clerical errors. Commissioner Stoltz seconded the motion and all voted "aye". (5-0)

Commissioner Kanenwisher made a motion to have Condition #7 be removed and amend Condition #8 to reflect the \$100 per lot upon first conveyance to mitigate the impacts on Public Safety services. Commissioner Foss seconded the motion and all voted "aye" (5-0)

Overall Criteria:

Commissioner Kanenwisher made a motion to accept Criteria One: Effects on Agriculture based on the findings of fact and conclusions of law and with the conditions and requirement of final plat approval potentially significant adverse impacts of the subdivision on agriculture will be sufficiently mitigated. Commissioner Stoltz seconded the motion and all voted “aye”. (5-0)

Commissioner Kanenwisher made a motion to accept Criteria Two: Effects on Agricultural Water User Facilities based on the findings of fact and conclusions of law and with the conditions and requirement of final plat approval potentially significant adverse impacts of the subdivision on agricultural water users facilities will be sufficiently mitigated. Commissioner Stoltz seconded the motion and all voted “aye”. (5-0)

Commissioner Kanenwisher made a motion to accept Criteria Three: Effects on Local Services based on the findings of fact and conclusions of law and with the conditions and requirement of final plat approval potentially significant adverse impacts of the subdivision on local services will be sufficiently mitigated. Commissioner Chilcott seconded the motion and all voted “aye”. (5-0)

Commissioner Kanenwisher made a motion that potentially significant adverse impacts of the subdivision on Criteria Four: Effects on Natural Environment will be sufficiently mitigated based on the findings of fact and conclusions of law and with the conditions and requirement of final plat approval. Commissioner Foss seconded the motion and all voted “aye”. (5-0)

Commissioner Kanenwisher made a motion that potentially significant adverse impacts of the subdivision on Criteria Five: Effects on Wildlife will be sufficiently mitigated based on the findings of fact and conclusions of law and with the findings in the sensitive species report and the recommended the condition of approval. Commissioner Stoltz seconded the motion and all voted “aye”. (5-0)

Commissioner Chilcott made a motion to accept Criteria Six: Effects on Wildlife Habitat based on the findings of fact and the findings within the Sensitive Species Report, Comments received by MFWP and the recommended condition of approval, potentially significant adverse impacts on wildlife habitat will be sufficiently mitigated. Commissioner Foss seconded the motion and all voted “aye”. (5-0)

Commissioner Kanenwisher made a motion to accept Criteria Seven: Effects on Public Health and Safety based on the findings of fact and conclusions of law with the conditions and requirements of final plat approval, potentially significant adverse impacts of the subdivision on public health and safety will be sufficiently mitigated. Commissioner Chilcott seconded the motion and all voted “aye”. (5-0)

Commissioner Stoltz made a motion that the Grantsdale Addition Phased Major Subdivision be approved, based on the findings of fact and conclusions of law in the staff report and subject to the conditions and requirements in the staff report as amended here today. Commissioner Kanenwisher seconded the motion and all voted “aye”. (5-0)

To The Ravalli County Commissioners,

February 25, 2011

I am writing in response to the proposed major subdivision called 'Grantsdale Addition'. This historic farm, known as the Christ Ranch, is directly across Skalkaho Highway from my certified organic farm, Homestead Organics Farm.

Though this subdivision has passed through the Planning Board, I have to ask you to please consider the weighty impacts such a massive subdivision will have and to vote to deny the subdivision. The addition of over 180 new septic users in an area with a very very shallow groundwater table is only asking for major trouble. As a land owner and organic farmer directly down hill from this hazard waiting to happen, I feel my way of life and my lively-hood are very threatened.

Food safety issues have become a major focus of national attention both in the media and in the legislature. Multiple outbreaks of food bourn illness across the nation have sickened and killed countless innocent people. The well known spinach recall and related illness of several years ago was directly linked to contamination of the irrigation water by human feces. It is this sort of food safety issue that most concerns me.

The irrigation water I use to irrigate my organic produce comes from a well, an intricate tiling system, and ditch access. All of these water sources rely on a clean flow of water, free from contamination from uphill. The water table is so high and the soil layer so thin that added contaminants from above will not be able to be filtered out sufficiently before the water reaches my farm. All of these contaminants, including e.Coli bacteria from human waste, could potentially find their way into my irrigation system. How am I to operate an organic farm, or any farm for that matter, if I cannot irrigate the crops without major risk to public health?! This is not to mention the threat to private wells in the immediate surroundings that also stand to be contaminated.

Please deny this subdivision as a threat to the public well being. My farm currently feeds hundreds of people in Ravalli County. Are you willing to take responsibility for contamination of your neighbor's food? Who is to take charge of the clean up and to pay the bill? I do not feel this subdivision is in the best interest of Ravalli County due to many circumstances, especially the basic food safety threat it poses to my farm customers.

I appreciate your consideration and look forward to hearing of the denial of this subdivision for the potential threat to public health it poses.

Peace,

Laura Garber
Homestead Organics Farm
175 Skalkaho Highway
Hamilton, Mt 59840
(406)363-6627
homesteadorganics@earthlink.net

Exhibit B-8

RECEIVED

MAR 02 2011

JC-11-03-121
Ravalli County Planning Dep.

Comments on Grantsdale Addition:

1. Effects on Agriculture:

The NRCS has determined that this 67+ acres is prime farmland if irrigated. The applicant proposes to remove approximately 62 acres of prime farmland in exchange for 4.89 acres as a common area for community gardening. This offered mitigation, insufficient in itself, is made worse in that the developer retains the right to sell the 4.89 acre parcel to an "outside party." Without a deed restriction, the parcel could, theoretically, be sold for development, thus negating the proposed mitigation. This is insufficient mitigation.

3. Effects on Local Services:

The developer has not offered to mitigate the impacts this development would have on the Hamilton School District. This is not only insufficient, but also unacceptable to me, a long-time taxpayer in the Hamilton School District. Assuming the board will negotiate mitigation with the developer, I would urge you to request from the developer the local tax levy, excluding capital, as found in Exhibit A-3. The applicant also has not offered any mitigation in regard to public safety. A 181-home subdivision will surely put demands on the sheriff's office and 911 dispatch, during home construction and after. Please negotiate mitigation with the developer; no mitigation is insufficient mitigation.

5 and 6: Effects on Wildlife and Wildlife Habitat:

I have seen elk on this property several times in the past year. Fish, Wildlife and Parks recommends a wildlife corridor for all species, yet I do not see one in the report. Even so, a wildlife corridor seems like an impractical idea given the size of the development, and the traffic, kids and

Exhibit B-9

dogs that go along with 181 homes. A "Living With Wildlife" notification document is insufficient mitigation.

7. Effects on Public Health and Safety:

Given that Grantsdale School is within walking and biking distance of this proposed development, and given that it is estimated to generate 91 children, the lack of a sidewalk is unacceptable. It makes more sense to plan and build a bike/ped path now, than try to retrofit one in at a later date, as was done on Daly Ave. some years ago. The result there was a poorly designed and barely acceptable walkway completed only after a convoluted process. That should be, and can be, avoided in this instance with a thoughtful design with the safety of future school children in mind.

Carlotta Grandstaff
844 Sleeping Child Rd.
Hamilton, MT 59840

Montana Code Annotated 2009

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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, 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 subsection (4), a governing body may not unreasonably restrict a landowner's ability to develop land, but it is recognized that in some instances the unmitigated impacts of a proposed development may be unacceptable and will preclude approval of the subdivision.

(b) When requiring mitigation under subsection (4), a governing body shall consult with the subdivider and shall give due weight and consideration to the expressed preference of the subdivider.

(6) A governing body may conditionally approve or deny a proposed subdivision as a result of the water and sanitation information provided pursuant to 76-3-622 or public comment received pursuant to 76-3-604 on the information provided pursuant to 76-3-622 only if the conditional approval or denial is based on existing subdivision, zoning, or other regulations that the governing body has the authority to enforce.

(7) A governing body may not require as a condition of subdivision approval that a property owner waive a right to protest the creation of a special improvement district or a rural improvement district for capital improvement projects that does not identify the specific capital improvements for which protest is being waived. A waiver of a right to protest may not be valid for a time period longer than 20 years after the date that the final subdivision plat is filed with the county clerk and recorder.

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76-3-510. Payment for extension of capital facilities. (1) A local government may require a subdivider to pay or guarantee payment for part or all of the costs of extending capital facilities related to public health and safety, including but not limited to public roads, sewer lines, water supply lines, and storm drains to a subdivision. The costs must reasonably reflect the expected impacts directly attributable to the subdivision. A local government may not require a subdivider to pay or guarantee payment for part or all of the costs of constructing or extending capital facilities related to education.

(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.

History: En. Sec. 8, Ch. 468, L. 1995; amd. Sec. 1, Ch. 405, L. 2009; amd. Sec. 16, Ch. 446, L. 2009.

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