COMMISSIONERS APPROVAL

IMAN

CHILCOTT

FOSS

KANENWISHER

STOLTZ

PLETTENBERG (Clerk & Recorder)

Members Present.....Commissioner J.R. Iman, Commissioner Suzy Foss, and Commissioner Ron Stoltz

Date.....May 19, 2011

► Minutes: Beth Perkins

► Commissioner Chilcott attended the NACo WIR Annual Conference in Wenatchee, WA for the day.

► The Board met for approval of the purchase of software for the Treasurer's Office to coordinate with the Accounting Department at 8:30 a.m. Present were Treasurer Marie Keeton and Comptroller Jana Exner.

Commissioner Stoltz made a motion to approve the expenditure up to $1,000 for Bank Check Upload software. Commissioner Foss seconded the motion and all voted "aye". (3-0)

► The Board met for approval of the scope of work report for the Black and Bass Lane project at 8:45 a.m. Present was Road & Bridge Supervisor David Ohnstad.

Commissioner Stoltz made a motion to approve the scope of work report for the Black and Bass Lane project. Commissioner Foss seconded the motion and all voted "aye".

► The Board met for approval of the CTEP notice for award for Specialty Excavating. **Commissioner Foss made a motion to approve the CTEP notice for award to Specialty Excavating in the amount of $213,659. Commissioner Stoltz seconded the motion and all voted "aye". (3-0)**

► The Board met for Ziegler Lots, Lot A (MAKS) Subsequent Minor Subdivision and variance request at 9:00 a.m. Present were Planner Aaron Wilson, Representative John Horat, Jim Cane and Mark Richey

Commissioner Iman opened the public hearing. He requested any conflicts of interest be disclosed. Hearing none, he then requested the Planning Staff be read.

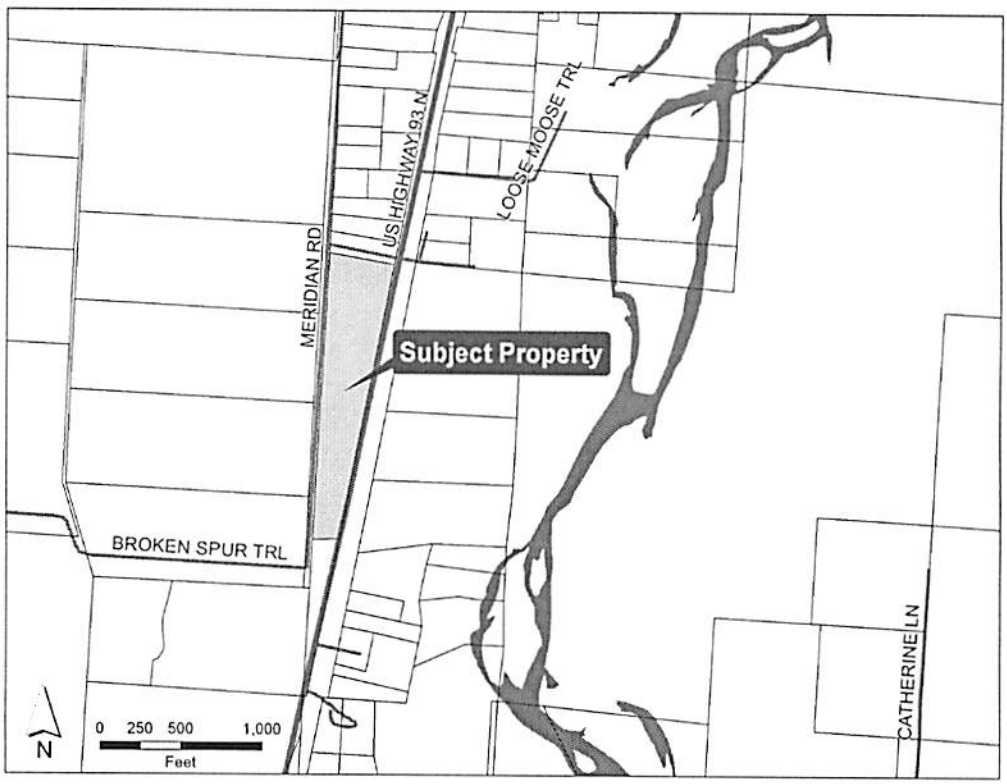
Aaron presented the Staff report as follows:

AP ZIEGLER LOTS, LOT A
FIVE LOT SUBSEQUENT MINOR SUBDIVISION

STAFF REPORT FOR BOARD OF COUNTY COMMISSIONERS

CASE PLANNER:	Aaron Wilson	
REVIEWED/ APPROVED BY:	Tristan Riddell	
PUBLIC HEARINGS/ MEETINGS:	Planning Board Meeting:	3:00 p.m. April 20, 2011
	BCC Public Hearing:	9:00 a.m. May 19, 2011
	Deadline for BCC action:	June 24, 2011
SUBDIVIDER/OWNER:	MAKS Holding, LLC 1069 US Hwy 93 N Victor, MT 59875	
REPRESENTATIVE:	John Horat Bitterroot Engineering & Design 1180 Eastside Highway Corvallis, MT 59828	

LOCATION OF REQUEST: The property is located north of the City of Hamilton and west of the Community of Corvallis, along US Highway 93 N. *(See Map 1)*



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

LEGAL DESCRIPTION OF PROPERTY: Amended Plat of Lot A, Ziegler Lots.

APPLICATION INFORMATION: The subdivision application was deemed sufficient on April 1, 2011. Agencies were notified of the subdivision and comments received by the Planning Department not included in the application packet are Exhibits A-1 through A-5 of the staff report. **This subdivision is being reviewed under the subdivision regulations amended February 3, 2011.**

LEGAL NOTIFICATION: A legal advertisement was published in the Bitterroot Star on April 20, 2011. Notice of the project was posted on the property and adjacent property owners were notified by certified mail postmarked April 7, 2011. No public comments have been received to date.

DEVELOPMENT PATTERN:

Subject property	Commercial
North	Commercial

South	Commercial
East	Commercial
West	Agricultural

INTRODUCTION & GENERAL BACKGROUND

Ziegler Lots, Lot A is a five (5) lot subsequent minor subdivision on 9.9 acres located approximately 2.8 miles west-northwest of the Community of Corvallis. The average proposed lot size is 2 acres. The property is currently owned by MAKS Holding, LLC, whose proposal is for new commercial lots on the site, currently an existing light industrial/commercial use lot. The property is accessed directly via US Highway 93 N by two common driveways constructed during the recent highway expansion, and via an access point on Meridian Connection along the north boundary of what is proposed as Lot 1. Surrounding uses are predominantly commercial to the north, east and south, with active agricultural lots to the west across Meridian Rd.

The subdivision application includes one requested variance to relieve MAKS Holding, LLC from constructing an internal road to serve the five proposed lots. The request is based on the unusual lot configuration, longitudinally locked between two existing state/county roads, and the existing permitted approaches onto US Highway 93 N that were constructed during the highway expansion project.

Staff recommends granting of the variance request and conditional approval of the subdivision proposal.

RAVALLI COUNTY BOARD OF COMMISSIONERS

MAY 19, 2011

AP OF LOT A, ZIEGLER LOTS
FIVE LOT SUBSEQUENT MINOR SUBDIVISION

RECOMMENDED MOTION

1. That the variance request from Section 5-2-2(c)(6) *Lot Access* be ***approved***, based on the findings of fact and conclusions of law in the variance report.
2. That the AP Ziegler Lots, Lot A, Subsequent Minor Subdivision be ***approved***, based on the findings of fact and conclusions of law in the subdivision report and subject to the conditions in the staff report.

RECOMMENDED MITIGATING CONDITIONS OF APPROVAL FOR THE SUBDIVISION

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

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

Notification of water rights. The owners of lots within this subdivision may have rights to shares from the Woodside Irrigation Ditch; residents or business owners in these lots should contact the Woodside Ditch Company, 774 US Highway 93 N, Hamilton, MT 59840, (406) 961-5600. *(Section 3-2-8(a) and Section 3-2-8(b)(v)(B), RCSR, Effects on Agricultural Water User Facilities)*

Limitation of Access onto a Public Road. A "no-ingress/egress" restriction exists along the US Highway 93 frontage of this subdivision, excepting the approved common driveways for proposed lots 4 & 5, and lots 1 & 2. A "no-ingress/egress" restriction also exists along the entire length of Meridian Road abutting this subdivision. This limitation of access may be lifted or amended only with the approval of the Board of County Commissioners. *(Section 3-2-8(b)(v)(C,F), RCSR, Effects on Local Services and Public Health and Safety)*

Common Access Maintenance Agreement. The common accesses are not maintained by Ravalli County, the State of Montana, or any other governmental entity. Neither the County nor the State assumes any liability for lacking or improper maintenance. A Maintenance Agreement for these accesses is filed with this subdivision, outlining which parties are responsible for maintenance and under what conditions. *(Section 3-2-8(b)(v)(C), RCSR, Effects on Local Services)*

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

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,E), RCSR, Effects on Natural Environment, Wildlife and Wildlife Habitat)

Wood Stoves. The County recommends that home owners refrain from installing wood stoves if possible. The County further recommends that wood and other biomass burning stoves not be used as the primary heat source. If a homeowner or business owner chooses to burn wood as a back-up heat source, the County strongly encourages them to install an EPA-certified wood stove as the best option to reduce air pollution and more specifically, to install an EPA-certified pellet stove. More information on low emission, EPA-certified wood stoves is available at http://www.epa.gov/woodstoves/index.html. The State of Montana offers an Alternative Energy Systems Tax Credit to offset the cost of purchasing and installing a low emission wood or biomass combustion device such as a pellet or wood stove. Besides the tax credit for qualifying wood stoves, individual Montana residents can claim a tax credit for energy conservation investments made to a home or other building. For more information on the energy conservation tax credits and ways to save energy, please see the *Warm Hearts, Warm Homes* webpage (http://deq.mt.gov/Energy/warmhomes/index.asp) on the Montana Department of Environmental Quality's website. *(Section 3-2-8(b)(v)(D), RCSR, Effects on the Natural Environment)*

Living with Wildlife. Homeowners and business owners must accept the responsibility of living with wildlife and must be responsible for protecting their vegetation from damage, confining their pets, and properly storing garbage, pet food, livestock feed and other potential attractants. Homeowners and business owners must be aware of potential problems associated with the presence of wildlife such as white-tailed deer, black bear, mountain lion, coyote, fox, skunk, raccoon, and magpie. Please contact the Montana Fish, Wildlife & Parks office in Missoula (3201 Spurgin Road, Missoula, MT 59804) for brochures that can help homeowners "live with wildlife." Alternatively, see FWP's web site at http://fwp.mt.gov.

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

(a) Homeowners and business owners must be aware of the potential for **vegetation damage by wildlife,** particularly from deer feeding on green lawns, gardens, flowers, ornamental shrubs and trees in this subdivision. Homeowners should be prepared to take the responsibility to plant non-palatable vegetation or protect their vegetation (fencing, netting, repellents) in order to avoid problems. Also, consider landscaping with

native vegetation that is less likely to suffer extensive feeding damage by deer.

(b) **Gardens, fruit trees** or orchards can attract wildlife such as bear and deer. Keep produce and fruit picked and off the ground, because ripe or rotting fruit or organic material can attract bears, skunks and other wildlife. To help keep wildlife such as deer out of gardens, fences should be 8 feet or taller. The top rail should be made of something other than wire to prevent wildlife from entanglement. Netting over gardens can help deter birds from eating berries. To keep wildlife such as bears out of gardens and/or away from fruit trees, use properly constructed electric fences and maintain these constantly. (Contact FWP for information on "all-species electric fencing" designed to exclude wildlife from gardens and/or home areas.)

(c) **Garbage** should be stored in secure animal-resistant containers or indoors to avoid attracting wildlife such as raccoon and black bear. If stored indoors, it is best not to set garbage cans out until the morning of garbage pickup; bring cans back indoors by the end of the day.

(d) **Do not feed wildlife** or offer supplements (including salt blocks), attractants, or bait for deer, wild turkey or other wildlife, including during the winter. Feeding wildlife results in unnatural concentrations of animals that could lead to overuse of vegetation and disease transmission. Such actions unnecessarily accustom wild animals to humans, which can be dangerous for both. It is against state law (MCA 87-3-130) to purposely or knowingly attract any ungulates (deer, elk, etc.), bears, or mountain lions with supplemental food attractants (any food, garbage, or other attractant for game animals) or to provide supplemental feed attractants in a manner that results in "an artificial concentration of game animals that may potentially contribute to the transmission of disease or that constitutes a threat to public safety." Also, homeowners must be aware that deer and wild turkey can attract mountain lions to an area.

(e) Bears can be attracted to food smells associated with **outdoor food storage**; therefore, freezers and refrigerators should not be placed outdoors on porches or in open garages or buildings. If a freezer/ refrigerator must be located outdoors, attempt to secure it against potential bear entry by using a stout chain and padlock around the girth of the freezer.

(f) **Birdseed** in bird feeders attracts bears. If used, bird feeders should: 1) be suspended a minimum of 20 feet above ground level, 2) be at least 4 feet from any support poles or points, and 3) should be designed with a catch plate located below the feeder and fixed such that it collects the seed knocked off the feeder by feeding birds.

(g) **Pets** must be confined to the house, in a fenced yard, or in an outdoor kennel area when not under the direct control of the owner, and not be

allowed to roam as they can chase and kill big game and small birds and mammals. Keeping pets confined also helps protect them from predatory wildlife. Under current state law it is illegal for dogs to chase hoofed game animals and the owner may also be held guilty (MCA 87-3-124).

(h) **Pet food and livestock feed** should be stored indoors, in closed sheds or in bear-resistant containers in order to avoid attracting wildlife such bears, mountain lion, skunk, and raccoon. **When feeding pets and livestock,** do not leave food out overnight. Consider feeding pets indoors so that wild animals do not learn to associate food with your home.

(i) **Barbecue grills** should be stored indoors. Keep all portions of the barbecues clean. Food spills and smells on and near the grill can attract bears and other wildlife. (Due to the potential hazard of fire and explosion, propane cylinders for gas-fueled grills should be disconnected and kept outdoors. Under no circumstances should propane cylinders be stored indoors.)

(j) Consider **boundary fencing** that is no higher than 3-1/2 feet (at the top rail) and no lower than 18 inches (at the bottom rail) in order to facilitate wildlife movement. Contact FWP for a brochure or information of building fence with wildlife in mind.

(k) **Compost piles** can attract skunks and bears. If used they should be kept in wildlife-resistant containers or structures. Compost piles should be limited to grass, leaves, and garden clippings, and piles should be turned regularly. Adding lime can reduce smells and help decomposition. Do not add food scraps. (Due to the potential fire hazard associated with decomposition of organic materials, compost piles should be kept at least 10 feet from structures.)

(l) **Apiaries (bee hives)** could attract bears in this area. (If used, consult Montana Fish, Wildlife & Parks or the U.S. Fish & Wildlife Service for help in planning and constructing an apiary system that will help deter bears.)

2. Protective covenants for this subdivision shall be submitted with the final plat that include the following provisions:

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

Access Requirements for Lots within this Subdivision. The Corvallis Rural Fire District has adopted the Fire Protection Standards. All accesses,

including driveways 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 Corvallis Rural Fire District for further information. *(Section 3-2-8(b)(v)(C and 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) pursuant to the Weed Control Plan. Contact the Ravalli County Weed District for further information. *(Section 3-2-8(b)(v)(A and D), RCSR, Effects on Agriculture and Natural Environment)*

Archeological Resources. If any archaeological, historic, or paleontological sites are discovered during road, utility, or building construction, all work shall 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 Natural Environment)*

State Commercial Building Standards. The State of Montana has building codes for commercial buildings. For more information, contact the Montana Department of Labor and Industry, at PO Box 1728, Helena, MT 59624-1728 or call 406-444-2840. *(Effects on Local Services and Public Health & Safety)*

Amendment. Written governing body approval shall be required to amend any provision of the covenants that was required to be included as a condition of subdivision approval. *(Effects on all six criteria)*

3. The subdividers shall include an RSID/SID waiver in a notarized document filed with subdivision plat that states the following: Owners and their successors-in-interest waive all rights to protest the creation of a city/rural improvement district for any purpose allowed by law, including, a community water system, a community wastewater treatment system, and improving and/or maintaining the roads that access the subdivision including related right-of-way, drainage structures, and traffic control signs. This waiver will expire 20 years after the date the final plat of the final phase is filed with the Ravalli County Clerk and Recorder. *(Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health and Safety)*

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

5. Prior to final plat approval, the subdivider shall provide evidence that a $900-per-lot contribution has been made to the Corvallis Rural Fire District with the final plat submittal in lieu of the required water supply or water storage for fire

protection. *(Section 3-2-8(b)(v)(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 Corvallis 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 subdivider shall negotiate mitigation with the BCC to alleviate identified effects of the subdivision on Public Safety Services (Sheriff, E-911, DES). The subdivider shall ensure that any decided upon mitigation has been implemented prior to final plat approval. (*Section 3-2-8(b)(v)(C, F), RCSR, Effects on Local Services and Public Health & Safety*)

8. The final plat shall show a no-ingress/egress strip along the subdivisions frontage with US Highway 93 N, excepting the two (2) approved accesses for the common driveways for Lots 2 & 3 and Lots 4 & 5. The final plat shall also show a no-ingress/egress strip along the entire length of all lots abutting Meridian Rd, and along the Meridian Connection excepting the previously approved and constructed access point for Lot 1. *(Section 3-2-8(b)(v)(C ,F), RCSR, Effects on Local Services and Public Health & Safety)*

9. The shared access points, for Lots 2 & 3 and Lots 4 & 5, shall be labeled as "common access and utility easement" on the final plat. The subdivider shall include a Common Access Maintenance Agreement for these shared accesses. *(Section 3-2-8(b)(v)(C), RCSR, Effects on Local Services)*

10. The subdivider shall provide evidence that a Collection Box Unit(s) (CBU) has been installed atop a concrete slab, in accordance with the Corvallis post office's standards, and that the installation has been approved by the Corvallis Post Office prior to final plat approval. Alternatively, the subdivider shall provide evidence from the Corvallis Post Office that a CBU(s) is not required. *(Section 3-2-8(b)(v)(C), RCSR, Effects on Local Services)*

FINAL PLAT REQUIREMENTS (RAVALLI COUNTY SUBDIVISION REGULATIONS)

The following items shall be included in the final plat submittal, as required by the Ravalli County Subdivision Regulations, Section 3-4-4(a) et seq. [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 on the Final Plat:
   (a) Project name
   (b) Title block
   (c) Certificate of registered owner – notarized
   (d) Certificate of registered land surveyor with seal
   (e) Certificate of governing body approval
   (f) Signature block for Clerk and Recorder, preferably in lower right hand corner
   (g) ~~Certificate of public dedication~~
   (h) ~~Certificate of park cash-in-lieu payment~~
   (i) Other certifications as appropriate
   (j) North arrow
   (k) Graphic scale
   (l) Legal description
   (m) Property boundaries (bearings, lengths, curve data)
   (n) Pertinent section corners and subdivision corners
   (o) Names of adjoining subdivisions/certificates of survey
   (p) Monuments found
   (q) Witness monuments
   (r) Acreage of subject parcel
   (s) Curve data (radius, arc length, notation of non-tangent curves)
   (t) Line data (lengths to tenths of a foot, angles/bearings to nearest minute)
   (u) Lots and blocks designated by number (dimensions/acreage)
   (v) Easements/rights of ways (location, width, purpose, ownership)
   (w) ~~Dedication for public use (boundaries, area, purpose)~~
   (x) ~~No-build/alteration zones~~
   (y) No-ingress/egress zones
   (z) Water resources (rivers, ponds, etc.)
   (aa) ~~Floodplains~~
   (bb) ~~Irrigation canals including diversion point(s), etc.~~
   (cc) ~~High-pressure gas lines~~
   (dd) Existing and new roads (names, ownership, etc.)
3. The original copy of the preliminary plat decision shall be submitted with the final plat submittal.
4. Any variance decisions shall be submitted with the final plat submittal.
5. Copies of extensions of the preliminary plat approval period shall be submitted with the final plat submittal.

6. The final plat review fee shall be submitted with the final plat submittal.
7. A Consent to Plat form, including notarized signatures of all owners of interest, if the developer is not the underlying title holder, shall be submitted with the final plat submittal.
8. A Title Report or updated Abstract dated no less than one (1) year prior to the date of submittal shall be submitted with the final plat submittal.
9. The DEQ Certificate of Subdivision Approval or RCEH approval shall be submitted with the final plat submittal.
10. Copy of the General Discharge Permit for Stormwater Associated with Construction Activity from the DEQ shall be submitted with the final plat submittal.
11. The approved Ground Disturbance and Noxious Weed Management Plan for the control of noxious weeds and the re-vegetation of all soils disturbed within the subdivision shall be submitted with the final plat submittal.
12. ~~A copy of the appraisal report, per Section 6-1-7, dated no less than six (6) months from the date of the submittal, for calculating the cash-in-lieu of parkland dedication and a receipt from the County Treasurer's Office for the payment of cash-in-lieu of parkland dedication, shall be submitted with the final plat submittal.~~
13. Road and driveway approach and encroachment permits shall be submitted with the final plat submittal.
    (a) Evidence that approval for the two (2) common driveway access points shared by lots 2 & 3 and lots 4 & 5 have been approved by the Montana Department of Transportation, and that the associated permits have been obtained.
    (b) Evidence that final approval and permitting of the access for Lot 1 to Meridian Connection has been obtained from the Ravalli County Road and Bridge Department.
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 subdivider 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 subdivider, Professional Engineer, or contractor, as may be appropriate and required, shall be submitted with the final plat submittal. A Professional Engineer's certification shall be required in any instance where engineered plans are required for the improvement. Alternatively, an improvements agreement and guaranty shall be required. (Refer to Section 3-4-2.)~~
    (a) ~~Specific infrastructure improvements potentially required for this subdivision are the installation of a stop sign and road name signs, installation of the breakaway gate, construction of the internal subdivision roads, construction of the pedestrian pathway, installation of the CBU and concrete slab, construction of the bus shelter and turnout, and all irrigation facilities.~~

VARIANCE REPORT

VARIANCE REQUEST

The subdivider has requested a variance from Section 5-2-2(c)(6), *Lot Access*, which states that when a subdivision with more than two (2) lots fronts on a public road classified as a minor collector or higher, all lots within the subdivision shall access off of a road internal to the subdivision.

Determination of Undue Hardship

A. The conditions on which the request for a variance is based are unique to the property on which the variance is sought and are not applicable generally to other property.

Findings of Fact:

1. The application states that the conditions are unique to this property due to the unique lot shape and limits to proposed lot configuration, which would require a disproportionate amount of land be dedicated to road construction. (AP Ziegler Lots, Lot A Subdivision Application – Variance Request)
2. There are currently three (3) approved approaches that were constructed and approved by MDT and RCRBD during US Highway 93 N expansion, and MDT has indicated the proposed use change from one (1) commercial lot to five (5)

is approvable within the 5-lane permissive access area. (AP Ziegler Lots, Lot A Subdivision Application & Variance Request; Exhibit A-2)

Conclusion of Law:

The conditions upon which the variance is proposed are unique to the property, although they may be applicable to a limited number of additional lots along US Highway 93 N.

B. Physical conditions, such as topography or parcel shape, prevent the applicant from meeting the strict letter of these regulations. These conditions shall not result from the past actions of the land's current or previous owner(s).

Findings of Fact:

1. The long, relatively narrow shape of the Ziegler Lots, Lot A would require a disproportionate amount of land be dedicated to an internal road, and would potentially limit the proposed lot configuration due to Section 5-2-2(a)(3) of the RCSR, "no lot shall be divided by a public road or right-of-way." (Staff Determination)
2. The particular location of US Highway 93 N and Meridian Rd create a parcel shape that is not the result of the current or previous landowner decisions. (AP Ziegler Lots, Lot A Preliminary Plat)

Conclusion of Law:

Physical conditions will prevent the applicant from meeting the strict letter of the regulations and are not the result of actions by the land's current or previous owners.

C. Strict compliance with these regulations will result in undue hardship.

Findings of Fact:

1. The conclusion for Criterion A is that the conditions upon which the variance is proposed are unique to the property.
2. The conclusion for Criterion B is that physical conditions will prevent the applicant from meeting the strict letter of the regulations, and will significantly impede appropriate lot configuration in this subdivision proposal.
3. The property currently has three (3) approved access points constructed by MDT, within a 5-lane permissive access area, negating the need for an internal roadway to limit impacts on public health, welfare and safety. (Staff Determination)

Conclusion of Law:

Strict compliance with these regulations will result in undue hardship.

Determination that compliance is not essential to public welfare

A. The granting of the variance will not be substantially detrimental to the public health, safety or general welfare or injurious to other adjoining properties.

Findings of Fact:

1. Section 5-4-1(1) of the RCSR states that "roads serve two competing functions: property access and efficient movement of goods and people." Varying from the adopted road and lot standards has a direct impact on public health and safety. (RCSR Section 5-4-1(5))
2. Section 5-4-1(2) of the RCSR states that "when the number of accesses onto a high-traffic road increases, traffic efficiency declines and safety is jeopardized." (RCSR Section 5-4-1(2))
3. In a letter dated March 18, 2011, Glen Cameron of MDT states that two (2) private accesses were granted to the property during expansion of US Highway 93 N, and indicated that the subdivision falls within a "5-lane permissive access area which allows greater flexibility with the access." (Exhibit A-2)
4. In an email dated February 9, 2011, David Ohnstad indicated that the current access drive from Lot 1 onto Meridian Connection would be an allowable approach. (AP Ziegler Lots, Lot A Subdivision Application)

Conclusion of Law:

Given the the approvable approach onto Meridian Connection for Lot 1, existing allowed access for lots 2 through 5 onto US Highway 93 N, the involvement of MDT in the approval and construction of those driveways, and location within a 5-lane permissive access area of the highway, the granting of this variance will not be substantially detrimental to the public health, safety, and general welfare.

B. The variance will not in any manner vary the provision of the zoning regulations or the Growth Policy.

Findings of Fact:

1. The unincorporated areas of Ravalli County are not zoned, excepting voluntary zoning districts. (Clerk & Recorder's Office)
2. The property is not within one of Ravalli County's adopted voluntary zoning districts. (Clerk & Recorder's Office)
3. Ravalli County voters voted to repeal the County's Growth Policy in the 2008 General Election. Consequently, Ravalli County does not have a Growth Policy. (2008 Ravalli County General Election (R-1-08))

Conclusion of Law:

Neither zoning regulations nor the Growth Policy apply to the variance request.

C. The variance will not cause a substantial increase in public costs.

Findings of Fact:

1. The application states that the variance will not cause any increase in public costs. (AP Ziegler Lots, Lot A Subdivision Application – Variance Request)
2. Subdivision residents will be responsible for maintenance of the common access driveways through a proposed Common Access Maintenance Agreement. (AP Ziegler Lots, Lot A Subdivision Application)
3. The common accesses were constructed during the recent US Highway 93 N roadway expansion, and will not be incurred by the County or other Ravalli County residents. (Staff Determination)

Conclusion of Law:
Granting the variance will not cause a substantial increase in public costs.

D. Compliance is not essential to the public welfare.
Findings of Fact:
1. The conclusion for Criterion A is that by granting this variance there will not be a substantially detrimental effect to the public health, safety, and general welfare.
2. The conclusions for Criterion B are that zoning regulations do not apply to the variance request, and that consistency with an adopted growth policy is not applicable.
3. The conclusion for Criterion C is that the granting of the variance should not cause a substantial increase in public costs.

Conclusion of Law:
Compliance is not essential to the public welfare.

Overall Conclusion on Variance Request

The variance application provides evidence that there is an undue hardship, given existing approved access and physical lot configuration restrictions, and that compliance with the RCSR is not essential to the public welfare.

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 for the location and installation of any planned utilities.
Findings of Fact
1. Existing utility easements are located along US Highway 93 N and within the 60-foot public road and utility easement for Meridian Road. (AP Ziegler Lots, Lot A Preliminary Plat)
2. Proposed utility easements will be located within the two common access areas for Lots 2 & 3 and Lots 4 & 5. (AP Ziegler Lots, Lot A Draft Common Access Maintenance Agreement)

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

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

Findings of Fact

1. The subject property abuts and is accessed via US Highway 93 N and through an additional access point on the north boundary of the property to Meridian Connection. (AP Ziegler Lots, Lot A Preliminary Plat)
2. US Highway 93 N is a state-maintained, publicly accessible roadway. (MDT)
3. Two (2) private commercial accesses to US Highway 93 N were granted to Ziegler Lots, Lot A by the Montana Department of Transportation during highway reconstruction. (Exhibit A-2)
4. The subdivider has proposed to create two (2) common access points at the private commercial accesses on US Highway 93 N, one for lots 2 & 3, and one for lots 4 & 5 (AP Ziegler Lots, Lot A Preliminary Plat).
5. In a letter dated March 18, 2011, Glen Cameron of MDT stated that any change in use of the two (2) common accesses on US Highway 93 will require approval and permitting by the Montana Department of Transportation (Exhibit A-2)
6. A third access point was constructed during the highway expansion on Meridian Connection, along the northern property boundary for proposed lot 1 (Ravalli County Road and Bridge Dept).
7. There are no physical obstructions preventing access to the site from US Highway 93 N or Meridian Connection. (Staff Site Visit 04/01/11)

Conclusions of Law

1. Legal Access will be provided to each proposed lot within the subdivision via US Highway 93 N, a state-maintained roadway that abuts the subject property, and via Meridian Connection, a County-maintained roadway connector between US Highway 93 and Meridian Road. (Staff Determination)
2. Based on the fact that there are no elements or features preventing unobstructed access to the site and that there are no elements or features preventing unobstructed access to the proposed lots on-site, the subject property will have physical access. (Staff Determination)

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

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 potentially required for this subdivision are the installation of common driveways for Lots 2 & 3 and Lots 4 & 5, installation of a

driveway access for Lot 1 off of Meridian Connection, and installation of the CBU and concrete slab.

2. Access and common driveways were constructed prior to the subdivision application as part of the US Highway 93 N reconstruction project, and therefore are currently in place and fully functional. (Exhibit A-2; AP Ziegler Lots, Lot A Preliminary Plat; Staff site visit on 04/01/11)

Conclusions of Law

1. The subdivider has submitted evidence that the road/access improvements have been made in accordance with the requirements of final plat approval and certified by the subdivider prior to final plat approval. (Final Plat Requirements 1).

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. The average lot size for this subdivision is 2 acres. (AP Ziegler Lots, Lot A Subdivision Application – Subdivision Questionnaire)
2. The property subject to this subdivision application owns shares in the Woodside Ditch Company. (John Horat, personal communication)
3. Prior to final plat approval, the subdivider must submit evidence that 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 submit written and notarized documentation indicating that the water rights will be removed from the property. (Final Plat Requirement 20)

Conclusions of Law

1. 76-3-504(1)(j), MCA states that when a subdivision creates parcels with lot sizes averaging less than 5 acres, the subdivider is required to:
   (a) reserve all or a portion of the appropriation water rights owned by the owner of the land to be subdivided and transfer the water rights to a single entity for use by landowners within the subdivision who have a legal right to the water and reserve and sever any remaining surface water rights from the land;
   (b) if the land to be subdivided is subject to a contract or interest in a public or private entity formed to provide the use of a water right on the subdivision lots, establish a landowner's water use agreement administered through a single entity that specifies administration and the rights and responsibilities of landowners within the subdivision who have a legal right and access to the water; or
   (c) reserve and sever all surface water rights from the land.

2. With the requirements of final plat approval, the application will meet all of the applicable requirements of 76-3-504(1)(j)(b), MCA. (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. No irrigation ditches enter, traverse or abut the proposed subdivision property. (AP Ziegler Lots, Lot A Preliminary Plat)
2. No watercourses traverse or abut the proposed subdivision property. (AP Ziegler Lots, Lot A Preliminary Plat)

Conclusions of Law

1. 76-3-504(1)(k) MCA states that, except as provided in subsection (1)(k)(ii) (the proposal does not meet the criteria in this subsection), the subdivider is required to establish ditch easements in the subdivision that:
   (a) are in locations of appropriate topographic characteristics and sufficient width to allow the physical placement and unobstructed maintenance of open ditches or belowground pipelines for the delivery of water for irrigation to persons and lands legally entitled to the water under an appropriated water right or permit of an irrigation district or other private or public entity formed to provide for the use of the water right on the subdivision lots;
   (b) are a sufficient distance from the centerline of the ditch to allow for construction, repair, maintenance, and inspection of the ditch; and
   (c) prohibit the placement of structures or the planting of vegetation other than grass within the ditch easement without the written permission of the ditch owner.
2. Given the absence of irrigation ditches or other watercourses, the subdivision proposal will conform with the provisions of 76-3-504(1)(k), MCA. (Staff Determination)

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

Findings of Fact

1. The proposal is for a five (5) lot commercial subsequent minor subdivision, with an average lot size of 2 acres. (AP Ziegler Lots, Lot A Subdivision Application – Subdivision Questionnaire)
2. Major (ergo subsequent minor) subdivisions where all the parcels are for non-residential purposes are exempt from parkland dedication. [RCSR 6-1-5(b)(3)]

Conclusion of Law

Parkland dedication is not required for this subdivision, as dictated by RCSR 6-1-5(b)(3); only commercial lots are proposed, exempting the subdivision from parkland dedication. (Staff Determination)

COMPLIANCE WITH APPLICABLE REGULATIONS

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

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

Findings of Fact

1. With approval of the variance from Section 5-2-2(c)(6) of the RCSR, the lot layout and subdivision proposal, as indicated within the preliminary plat application, will meet the design standards in Chapter 5 of the RCSR. (AP Ziegler Lots, Lot A Subdivision File)
2. 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. (AP Ziegler Lots, Lot A Subdivision File and Staff Determination)
3. The application includes all necessary and applicable information sufficient for public review. (Staff Determination)

Conclusions of Law

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

B. Applicable zoning regulations.

Findings of Fact

1. The unincorporated areas of Ravalli County are not zoned, excepting Citizen Initiated Zoning Districts. (Ravalli County Clerk & Recorder's Office)
2. The proposed subdivision is not within one of Ravalli County's Citizen Initiated Zoning Districts. (Ravalli County GIS; AP Ziegler Lots, Lot A subdivision file)

Conclusion of Law

There are no zoning regulations that apply to the subject property. (Staff Determination)

C. Existing covenants and/or deed restrictions.

Finding of Fact

Title history indicates that there are no existing covenants or deed restrictions that would impact this subdivision application proposal. (Ravalli County Clerk & Recorder's Office; AP Ziegler Lots, Lot A Subdivision Application)

Conclusion of Law

There are no known existing covenants or deed restrictions that apply to the subject property therefore this criterion does not apply. (Staff Determination)

D. Other applicable regulations.

Findings of Fact

1. Following are regulations that may apply to this subdivision:
   - Montana Subdivision and Platting Act, Title 76, Chapter 3, MCA
   - Montana Sanitation in Subdivisions Act, Title 76, Chapter 4, MCA
   - Ravalli County Subsurface Wastewater Treatment and Disposal Regulations
   - Montana Standards for Subdivision Storm Drainage (DEQ Circular 8)
   - Applicable laws and policies requiring permits related to development (Floodplain, U.S. Army Corps of Engineers, Bitterroot Conservation District, Ravalli County Road & Bridge Department, Montana Department of Transportation, Montana Department of Environmental Quality, etc.)
2. The subdivider was made aware of the applicable regulations at the updated pre-application conference held on December 21, 2010. (AP Ziegler Lots, Lot A – Subdivision Questionnaire)
3. Prior to final plat approval, the subdivider is required to submit applicable permits and evidence that they have met applicable regulations. (Section 3-4-4(a), RCSR)

Conclusions of Law

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

1. The subject parcel is classified for tax purposes as rural commercial. (Montana Cadastral Database created by Montana Department of Administration, Information Technology Services Division, Geographic Information Services)

2. Soils data obtained from the NRCS Web Soil Survey indicates that there are no soils located on or adjacent to the subject property classified as prime farmland, farmland of statewide importance or locally important soils. (NRCS Web Soil Survey)
3. The entire property is currently being used for commercial/light industrial custom log home construction. (Staff site visit 04/01/2011)
4. The subdivider submitted a Ravalli County Subdivision Noxious Weed Evaluation Form, in accordance with the element submittal requirements of the RCSR that stated spotted knapweed, St Johnswort, Hoary Allysum and Sulfur Cinquefoil were found on the property. (AP Ziegler Lots, Lot A Subdivision Application – Noxious Weed Evaluation)
5. There are adjacent agricultural activities to the west of the subject property, as stated within the Subdivision Questionnaire and as indicated on the Preliminary Plat. (AP Ziegler Lots, Lot A Preliminary Plat)
6. The property is not currently being used for any agricultural activities (AP Ziegler Lots, Lot A Subdivision Application)

Conclusions of Law:

1. A subdivision proposal must be reviewed for its impacts on agriculture. (MCA 76-3-608(3), Section 3-2-7(b)(1), RCSR)
2. The proposal will not have a negative impact on prime farmland soils or farmland soils of statewide importance, as there are none located on or adjacent to the subject property. (Staff Determination – Finding of Fact 2)
3. 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)
4. The approved Ground Disturbance and Noxious Weed Management Plan will be submitted prior to final plat approval. (Final Plat Requirement 11)
5. With the mitigating conditions of approval and requirements of final plat approval, the impacts of the subdivision on agriculture will be reduced. (Staff Determination)

Recommended Conditions to Mitigate the Effects on Agriculture

- *A notification of proximity to agricultural operations shall be included in the notifications document filed with the final plat. (Condition 1)*
- *A notification recommending homeowners keep pets confined to the house, a fenced yard, or in an outdoor kennel shall be included in the notifications document filed with the final plat. (Condition 1)*
- *A noxious weed control provision shall be included in the protective covenants filed with the final plat for this subdivision. (Condition 2)*

CRITERION 2: EFFECTS ON AGRICULTURAL WATER USER FACILITIES

Findings of Fact

1. The property subject to this subdivision application owns shares in the Woodside Ditch Company. (John Horat, personal communication)
2. The developer is proposing to sever the shares from the property to be retained and utilized separate from the subdivision, or they will be split between the five (5) proposed lots and subjected to a Master Irrigation Plan. (John Horat, personal communication; Final Plat Requirement 20)
3. Prior to final plat approval, the subdivider must submit evidence that 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 submit written and notarized documentation indicating that the water rights will be removed from the property. (Final Plat Requirement 20)No irrigation ditches enter, traverse or abut the proposed subdivision property. (AP Ziegler Lots, Lot A Preliminary Plat)
4. No watercourses traverse or abut the proposed subdivision property. (AP Ziegler Lots, Lot A Preliminary Plat)

Conclusions of Law:

1. A subdivision proposal must be reviewed for its impacts on agricultural water user facilities. (MCA 76-3-608(3), RCSR Section 3-2-8(b)(v)(B))
2. Since the property proposed for subdivision does not include any irrigation facilities or other watercourses, and the water shares owned by the developer will be severed from the property or divided amongst the five lots, the proposal will comply with 76-3-504(1)(j) & 76-3-504(1)(k), MCA. (Staff Determination)
3. With the absence of water user facilities, impacts of the subdivision on agricultural water user facilities will be minimized. (Staff Determination)

Recommended Condition to Mitigate the Effect on Agricultural Water User Facilities

- *No mitigating conditions for the proposal's Effect on Agricultural Water User Facilities are recommended.*

CRITERION 3: EFFECTS ON LOCAL SERVICES

Findings of Fact:

Fire District

1. The subdivision is located within the Corvallis Rural Fire District. (AP Ziegler Lots, Lot A Subdivision Application – Subdivision Questionnaire; Ravalli County GIS Data)
2. The Corvallis Fire District has a station approximately two miles from the proposed subdivision. (Ravalli County GIS)
3. The Corvallis Rural Fire District, as a member of the Ravalli County Fire Council, has adopted Fire Protection Standards (FPS), which address access, posting of addresses, and on-site water supply requirements. The Fire Protection Standards also state that in lieu of an on-site water supply, a cash contribution in the amount of $900 per lot is acceptable. (Exhibit A-4)

4. The Ravalli County Planning Department sent notification letters to the Corvallis Rural Fire District requesting comments on the proposal on March 8, 2011 and April 5, 2011, however no comments have been received to date. (AP Ziegler Lots, Lot A Subdivision File)
5. The two (2) accesses from US Highway 93 N and the one (1) access from Meridian Connection will provide emergency access to the five proposed lots. (AP Ziegler Lots, Lot A Preliminary Plat)
6. An additional potential emergency access to Meridian Rd exists on the west side of Lot 3. (Staff site visit 04/01/2011)
7. The subdivider states that there will be an increase in service needs based on the addition of new lots and commercial businesses. (AP Ziegler Lots, Lot A Subdivision Application – Environmental Assessment)
8. The subdivider is proposing a cash donation in lieu of the required on-site water storage and water supply as outlined within the FPS. (AP Ziegler Lots, Lot A Subdivision Application – Subdivision Questionnaire)

School District

9. With this subdivision, it is estimated that approximately zero (0) school-aged children will be added to the Corvallis School District, assuming an average of 0.5 children per household, however the proposed subdivision is for commercial lots. (Census 2000; AP Ziegler Lots, Lot A Subdivision Application).
10. The Ravalli County Planning Department sent notification letters to the Corvallis School District requesting comments on the proposal on March 8, 2011 and April 5, 2011, however no comments have been received from the District to date. (AP Ziegler Lots, Lot A Subdivision File)
11. The subdivider states that there will be no anticipated increase in the burden to public schools as a result of this subdivision; no new residential lots are proposed and no additional children are estimated to be added due to commercial lot development. (AP Ziegler Lots, Lot A Subdivision Application – Environmental Assessment & Subdivision Questionnaire)

Public Safety Services

12. The Ravalli County Sheriff's Office provides law enforcement services to this area. (AP Ziegler Lots, Lot A Subdivision Application – Subdivision Questionnaire)
13. Notification letters were sent to the Ravalli County Sheriff's Office requesting comments on March 8, 2011 and April 5, 2011, but no comments have been received to date. (AP Ziegler Lots, Lot A Subdivision File)
14. The average number of people per household in Ravalli County is 2.5. This subdivision proposal for commercial lot development is not anticipated to add any additional persons. (Census 2000)
15. Taxes from new businesses may not be immediately available to law enforcement services, E-911, and Disaster & Emergency Services (DES). There is currently no known available data on the average amount of time between when public safety services begin to serve a new residence 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 subdivider shall negotiate an adequate form of mitigation with the BCC. (Staff Determination)

16. The subdivider states that there will be a proportionate increase in service needs based on the addition of new businesses. (AP Ziegler Lots, Lot A Subdivision Application – Environmental Assessment)
17. The subdivider has not currently proposed to offer mitigation for impacts the additional businesses may have on public safety services. (AP Ziegler Lots, Lot A Subdivision File)

Emergency Services

18. Ambulance services will be provided by Marcus Daly Memorial Hospital EMS Department. Marcus Daly Hospital was contacted on March 8, 2011 and April 5, 2011; however, no comments have been received to date. (AP Ziegler Lots, Lot A Subdivision File)
19. The subdivider states that there will be an anticipated increase in service needs based on the addition of businesses. (AP Ziegler Lots, Lot A Subdivision Application – Environmental Assessment)
20. The required approach and access permits will provide three access routes to and from the subdivision, and a pre-existing non-approved access may allow additional emergency access to the lots, resulting in an adequate service level for emergency service providers. (Staff Determination)

Roads

21. The property can be accessed via US Highway 93 N and Meridian Connection. (AP Ziegler Lots, Lot A Subdivision Application)
22. The existing driveway accessing the subject property from Meridian Rd will be abandoned and reclaimed (or gated and chained to be used as an additional emergency access), and all lots will be accessed via the preliminarily approved accesses from Highway 93 N and Meridian Connection. (AP Ziegler Lots, Lot A Preliminary Plat)
23. This subdivision is estimated to generate an additional 220 vehicular trips per day onto US Highway 93 N. This estimation is based on the assumption that each new lot will generate 44 vehicular trips per day from 4,000 square feet of commercial building per lot. (AP Ziegler Lots, Lot A Subdivision Application – Subdivision Questionnaire)
24. US Highway 93 N is a state-maintained roadway. (MDT)
25. Meridian Connection is a county-maintained roadway within a 60' private road and public utility easement. (RCRBD)
26. In a letter dated March 18, 2011, Glen Cameron states that the two (2) private commercial accesses to US Highway 93 N fall within a 5-lane permissive access area, allowing greater flexibility for future access, that the proposed use would be allowed, and that the only requirement is for new approach permits to be obtained for any future change in the use of the proposed lots. The letter provides proof that the subdivider has provided evidence of an approvable approach in accordance with Section 3-1-5(a)(xvii), RCSR. (Exhibit A-2)
27. Section 5-2-2(c) of the RCSR requires all subdivisions with more than two (2) lots fronting a public road classified as a minor collector or higher to construct a road internal to the subdivision. The proposed subdivision has five (5) lots abutting US Highway 93 N, and is proposing all access be directly onto that roadway, with the

exception of Lot 1 which will access via Meridian Connection. (AP Ziegler Lots, Lot A Preliminary Plat)

28. The subdivider is requesting a variance from the requirements of Section 5-2-2(c) of the RCSR due to undue hardship stemming from lot configuration and currently approved accesses onto US Highway 93 N. (AP Ziegler Lots, Lot A Subdivision Application – Variance Request)

Pedestrian and Bicycle Facilities

29. There is currently a 5' bike/pedestrian path, installed during the US Highway 93 N expansion project, running parallel to the proposed subdivision within the DOT right-of-way, which abuts all five (5) proposed lots. (AP Ziegler Lots, Lot A Preliminary Plat)
30. There are currently no plans to add additional bike or pedestrian facilities, or to make any improvements within the proposed subdivision for these uses. (AP Ziegler Lots, Lot A Preliminary Plat)

Water and Wastewater Districts

31. Individual wells and wastewater treatment systems are proposed to serve the lots. The property is not near any municipal water or wastewater systems. (AP Ziegler Lots, Lot A Subdivision Application)

Solid Waste Services

32. Bitterroot Disposal provides service to this site. (AP Ziegler Lots, Lot A Subdivision Application – Environmental Assessment)
33. Notification letters were sent to Bitterroot Disposal requesting comments on March 8, 2011 and April 5, 2011, but no comments have been received to date. (AP Ziegler Lots, Lot A Subdivision File)

Postal Service

34. 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).
35. This subdivision is proposing five (5) lots; the requirement that a CBU be installed does not apply. (Staff determination)

Utilities

36. Existing utility easements are located along US Highway 93 N as shown on the plat. (AP Ziegler Lots, Lot A Preliminary Plat)
37. The proposed subdivision will be served by Northwestern Energy Company and Qwest Communications. (AP Ziegler Lots, Lot A – Subdivision Questionnaire)
38. Notification letters were sent to Northwestern Energy Company and Qwest Communications requesting comments on March 8, 2011 and April 5, 2011, however no comments have been received to date. (AP Ziegler Lots, Lot A Subdivision File)

<u>Conclusions of Law</u>

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 Corvallis Rural Fire District, the proposal complies with Section 5-7-4(a), RCSR. (Staff Determination)

School District

4. The proposed subdivision will not impact public school services, as no additional children are anticipated from creation of commercial lots. (Staff Determination)
5. A governing body may not deny approval of a proposed subdivision based solely on the subdivision's impacts on educational services. (MCA, 76-3-608(1))
6. Impact fees can be levied only when a jurisdiction has followed the guidelines and requirements as specified within Senate Bill 116. The Corvallis School District has not completed and Impact Fee Study nor has the Board of County Commissioners adopted impact fees. (Staff Determination)

Roads

7. Based on the lot configuration and pre-approved common accesses to US Highway 93 N, and if the associated variance request from Section 5-2-2(c), RCSR is granted, all lots will have legal and approvable access. (Staff Determination)
8. The subdivider shall submit final approved approach permits for the two (2) common accesses onto US Highway 93 N from the Montana Department of Transportation and a final approved approach permit for the single access onto Meridian Connection from the RCRBD prior to final plat approval. (Final Plat Requirement 13)
9. Road/common access maintenance agreement(s), signed and notarized, shall be submitted with the final plat submittal. (Final Plat Requirement 19)

Water and Wastewater Districts

10. The subdivider has provided minimum necessary information for public review as required by 76-3-622, MCA. (Staff Determination)

Solid Waste Services

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

Mail Delivery Services

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

Utilities

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

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

Recommended Conditions to Mitigate the Effects on Local Services

- *The notifications document filed with the final plat shall include a statement notifying lot owners of the no ingress/egress restriction and road maintenance agreement. (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 subdividers shall include an RSID/SID waiver. (Condition 3)*
- *The subdivider 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, the subdivider shall provide a letter from the Corvallis Rural Fire District stating that the subdivider has provided evidence that a $900-per-lot contribution has been made to the Corvallis Rural Fire District with the final plat submittal in lieu of the required water supply or water storage for fire protection. (Condition 5)*
- *The following statement shall be shown on the final plat: "The Corvallis 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 Corvallis Rural Fire District for further information". (Condition 6)*
- *The subdivider shall negotiate adequate mitigation with the BCC to alleviate effects of the subdivision on Public Safety Services (Sheriff, E-911, DES). The subdivider shall ensure that the decided upon mitigation has been implemented prior to final plat approval. (Condition 7)*
- *The final plat shall show a no-ingress/egress strip along the subdivisions frontage with US Highway 93 N, excepting the two (2) approved common accesses; additionally, the final plat shall show a no-ingress/egress strip along the entire length of Meridian Rd abutting proposed lots 1 through 5 and along the non-approved access portions of Meridian Connection. (Condition 8)*
- *The shared access points, for Lots 2 & 3 and Lots 4 & 5, shall be labeled as "common access and utility easement" on the final plat. The subdivider shall include a Common Access Maintenance Agreement for these shared accesses. (Condition 9)*
- *The subdivider shall provide evidence that a Collection Box Unit(s) (CBU) has been installed atop a concrete slab, in accordance with the Stevensville post office's standards, and that the installation has been approved by the Stevensville Post Office prior to final plat approval. Alternatively, the subdivider shall provide evidence from the Stevensville Post Office that a CBU(s) is not required. (Condition 10)*

CRITERION 4: EFFECTS ON NATURAL ENVIRONMENT

Findings of Fact:

Surface Water Features

1. There are no surface streams or water bodies present on the proposed subdivision property. (AP Ziegler Lots, Lot A Subdivision Application – Environmental Assessment)
2. The nearest off-site surface stream or water body is the Bitterroot River, approximately 1,000 feet east of the proposed subdivision. (AP Ziegler Lots, Lot A Subdivision Application – Environmental Assessment)

Ground Water Quality

3. The subdivider is proposing individual wells and wastewater facilities. (AP Ziegler Lots, Lot A Subdivision Application)
4. The subdivider submitted water and sanitation information per MCA 76-3-622. The Ravalli County Environmental Health Department (RCEH) provided documentation indicating that they have received adequate information for local subdivision review to occur. (AP Ziegler Lots, Lot A Subdivision Application – RCEH review checklist)
5. Groundwater monitoring has occurred on the site. According to on-site well log and groundwater monitoring data from RCEH, groundwater depth is anticipated to be 8-13 feet. (AP Ziegler Lots, Lot A Subdivision Application – Environmental Assessment)

Air Quality

6. This proposed subdivision would add four (4) new commercial lots to an area of existing rural commercial development along the US Highway 93 N corridor. (AP Ziegler Lots, Lot A Preliminary Plat)
7. 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.
8. Sources of particulate from this subdivision could include vehicles, wood-burning stoves and commercial activity. (Staff Determination)

Light Pollution

9. The addition of four new commercial sites is in an area that currently has existing development and highway lighting may create minimal amounts of new light pollution. Sky glow, glare, light trespass into neighbors' homes, and energy waste are some of the components of light pollution. (International Dark-Sky Association)

Vegetation

10. The subdivider submitted a Ravalli County Subdivision Noxious Weed Evaluation Form that stated spotted knapweed, St Johnswort, Hoary Allysum

and Sulfur Cinquefoil were found scattered throughout the property. (AP Ziegler Lots, Lot A Subdivision Application – Noxious Weed Evaluation Form)

11. There were no vegetative species of concern identified by the Montana Natural Heritage Program (MNHP) identified within the same section as the subject property. (AP Ziegler Lots, Lot A Subdivision Application – MNHP Report).
12. Existing vegetation on the property consists primarily of scattered individual trees and grassy areas along the highway (Staff site visit 04/01/11)

Noise Levels

13. This subdivision is adjacent to US Highway 93 N. (AP Ziegler Lots, Lot A Preliminary Plat)
14. Due to the proximity of this proposed subdivision to a high-traffic highway and current existing light industrial/commercial use of surrounding properties to the north, east and south, there is minimal anticipated increase in noise pollution or impact to the surrounding landowners. (Staff Determination)

Historical/Archeological Sites

16. A letter dated March 16, 2011 from Damon Murdo of the State Historic Preservation Office states that there are no known sites of historical significance on the property. (Exhibit A-1)

Conclusions of Law:

1. 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

2. Based on a lack of surface water features in proximity to the proposed subdivision, there should be no impact associated with surface water features. (Staff Determination)

Ground Water Features

3. The initial RCEH submittal indicates that the site should be suitable for the proposed wells and septic systems. This will be verified with the submittal of the DEQ Certificate of Subdivision Approval that is required to be submitted prior to final plat approval. (Staff Determination and Final Plat Requirement 9)

Vegetation

4. Impacts from this subdivision on the natural environment will be minimal due to current activity and lack of existing vegetation. (Staff Determination)

Recommended Conditions to Mitigate the Effects on Natural Environment

- *To mitigate impacts on air quality, the notifications document shall include a recommendation that EPA-certified wood stoves should be installed to reduce air pollution and that wood burning stoves should not be used as the primary heat source. (Condition 1)*
- *To mitigate the impacts of light pollution stemming from new construction, the notifications document shall include a provision recommending full cut-off lighting on new construction. (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 covenants shall include an archeological resources section. (Condition 2)*

CRITERION 5: EFFECTS ON WILDLIFE

Findings of Fact:

1. Notification letters were sent to Montana Fish, Wildlife, & Parks requesting comments on March 8, 2011 and April 5, 2011. (AP Ziegler Lots, Lot A Subdivision File)
2. Montana Fish, Wildlife, & Parks submitted a letter on April 5, 2011, indicating that although the subdivision is located in a semi-rural area along US Highway 93 N, it is also near larger areas of agricultural activity and in close proximity to the Bitterroot River. Due to the proximity of wildlife habitat, the Montana FWP recommends including "living with wildlife" covenants for the subdivision. (Exhibit A-3)
3. At the time of preliminary plat submittal and according to the Montana Natural Heritage Program (MNHP), Westslope Cutthroat Trout, Bobolink, Gray Wolf, Bald Eagle, Townsend Big-eared Bat, Fringed Myotis, and Northern Alligator Lizard were identified as species of concern that have been identified within the same section as the subject property. (Ravalli County GIS; AP Ziegler Lots, Lot A Subdivision Application – MNHP Report)
4. The subdivider requested and received a waiver from the requirement to submit a sensitive species report for the above-listed species due to lack of potential habitat on the property. (AP Ziegler Lots, Lot A Subdivision File)

Conclusions of Law:

1. A subdivision proposal must be reviewed for its impacts on wildlife. (MCA 76-3-608(3), RCSR Section 3-2-8(b)(v)(E))
2. The Planning Department has found that the requested "Living with Wildlife" covenants are better suited to be recorded as part of the Notifications Document as the items listed within the document are more closely identified as recommendations for landowners rather than restrictions.
3. Based on the findings of the Sensitive Species Report and the recommended mitigating conditions of approval, impacts on wildlife will be reduced. (Staff Determination)

Recommended Conditions to Mitigate the Effects on Wildlife

- *The notifications document shall include a provision recommending full cut-off lighting on new construction and "living with wildlife" recommendations. (Condition 1)*

CRITERION 6: EFFECTS ON WILDLIFE HABITAT

Findings of Fact:

4. Notification letters were sent to Montana Fish, Wildlife, & Parks requesting comments on March 8, 2011 and April 5, 2011. (AP Ziegler Lots, Lot A Subdivision File)
5. Montana Fish, Wildlife, & Parks submitted a letter on April 5, 2011, indicating that although the subdivision is located in a semi-rural area along US Highway 93 N, it is also near larger areas of agricultural activity and in close proximity to the Bitterroot River. Due to the proximity of wildlife habitat, the Montana FWP recommends including "living with wildlife" covenants for the subdivision. (Exhibit A-3)
6. At the time of preliminary plat submittal and according to the Montana Natural

Heritage Program (MNHP), Westslope Cutthroat Trout, Bobolink, Gray Wolf, Bald Eagle, Townsend Big-eared Bat, Fringed Myotis, and Northern Alligator Lizard were identified as species of concern that have been identified within the same section as the subject property. (Ravalli County GIS, AP Ziegler Lots, Lot A Subdivision Application – MNHP Report)

7. The subdivider requested and received a waiver from the requirement to submit a sensitive species report for the above-listed species due to lack of potential habitat on the property. (AP Ziegler Lots, Lot A Subdivision File)

Conclusions of Law:

1. 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))
2. Based on the granting of a Sensitive Species Report Waiver, lack of existing habitat noted during the site visit, and the recommended mitigating conditions of approval, impacts on wildlife habitat will be reduced. (Staff Determination, site visit 04/01/11)

Recommended Conditions to Mitigate the Effects on Wildlife Habitat

- *The notifications document shall include a provision recommending full cut-off lighting on new construction and "living with wildlife" recommendations. (Condition 1)*

CRITERION 7: EFFECTS ON PUBLIC HEALTH & SAFETY

Findings of Fact:

Traffic Safety

1. The property will be accessed via US Highway 93 N directly via the two (2) common accesses and the access for Lot 1 via Meridian Connection. (AP Ziegler Lots, Lot A Preliminary Plat)
2. The three (3) accesses were reviewed and constructed by MDT during the highway expansion project and are located with a 5-lane permissive access area. (MDT)
3. In a letter dated March 18, 2011, Glen Cameron of MDT stated that MDT had reviewed the proposed common access locations for the subdivision and that they were approvable. The letter provides proof that the subdivider has provided evidence of an approvable approach in accordance with Section 3-1-5(a)(xvii), RCSR. (Exhibit A-2)

Emergency Vehicle Access and Response Time

4. The proposed subdivision will be served by the Corvallis Rural Fire District, the Ravalli County Sheriff's Office, and Marcus Daly Memorial Hospital EMS Department. (AP Ziegler Lots, Lot A Subdivision Application)
5. Proposed common and individual accesses from US Highway 93 N will provide multiple emergency ingress/egress locations, and a previously existing access along Meridian Rd can potentially provide an additional emergency ingress/egress location. (AP Ziegler Lots, Lot A Preliminary Plat; Staff Determination)

Water and Wastewater

6. The subdivider is proposing individual wells and wastewater facilities. The subdivider submitted water and sanitation information per MCA 76-3-622. The Ravalli County Environmental Health Department provided documentation indicating that they have received adequate information for local subdivision review to occur. (AP Ziegler Lots, Lot A Subdivision Application)

Natural and Man-Made Hazards

7. US Highway 93 N is a high-traffic roadway and runs along the eastern boundary of each lot in the proposed subdivision. (AP Ziegler Lots, Lot A Subdivision Application – Environmental Assessment)
8. The proposed subdivision has MDT-approved and constructed access points onto Highway 93 N currently installed for each of the lots in the proposed subdivision, including two (2) common driveways and one individual access via Meridian Connection. (AP Ziegler Lots, Lot A Subdivision Application)
9. The proposed subdivision is within a 5-lane permissive access area. (MDT)
10. According to a document titled "Radon and You, Promoting Public Awareness of Radon
    in Montana's Air and Ground Water" published by DEQ and the Montana Bureau of Mines and Geology, there is a high potential for radon in Ravalli County. (DEQ)

Conclusions of Law:

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

Traffic Safety

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 Corvallis 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 subdivider is required to submit water and sanitation information in accordance with the requirements outlined within MCA 76-3-622(2).
5. The subdivider is required to submit a DEQ Certificate of Subdivision Approval prior to final plat approval. (Final Plat Requirement 9)
6. With the mitigating conditions of approval and requirements of final plat approval, impacts on Public Health & Safety will be reduced. (Staff Determination)

Natural and Man-made Hazards

7. The location of the proposed subdivision within a permissive access area and the MDT-approved access points will reduce impacts of the high-traffic roadway on the proposed subdivision. (Staff Determination)
8. Radon exposure risks can be minimized through the mitigating conditions of approval and requirements of final plat approval. (Staff Determination)

Recommended Conditions to Mitigate the Effects on Public Health and Safety

- *The notifications document shall include a statement regarding radon exposure. (Condition 1)*

Commissioner Iman opened public comment.

Commissioner Iman disclosed he is a neighbor to the west and controls the water shares for the subdivision. The shares will be severed.

John Horat discussed the Sheriff's Office and E-911 mitigation and offered $100 per lot and $900 per lot for mitigation to the Fire Department.

Commissioner Iman closed public comment and opened board deliberations.

Commissioner Iman reviewed the variance request for the requirement to have an internal road due to the existing access points. He requested the easements between Lots 4&5 and 2&3 be attached to the plat map. He stated they should be 60X30 for each lot. Aaron replied it is outlines in Condition 9 and will put them on the map.

Commissioner Foss made a motion to approve the variance request from Section 5-2-2(c)(6) based on the findings of fact and conclusions of law in the variance report. Commissioner Stoltz seconded the motion and all voted "aye". (3-0)

The Board reviewed the **Compliance with Prerequisites to Approval**.

A. Provides easements for the location and installation of any planned utilities. **All voted "aye". (3-0)**
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. **All voted "aye". (3-0)**
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. **All voted "aye". (3-0)**
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. **All voted "aye". (3-0)**
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. **All voted "aye". (3-0)**
F. Provides for the appropriate park dedication or cash-in-lieu, if applicable. **All voted "aye". (3-0)**

The Board reviewed the **Compliance with Applicable Regulations.**

A. These regulations, including, but not limited to, the standards set forth in Chapter 5. **All voted "aye". (3-0)**

B. Applicable zoning regulations. **All voted "aye". (3-0)**

C. Existing covenants and/or deed restrictions. **All voted "aye". (3-0)**

D. Other applicable regulations. **All voted "aye". (3-0)**

E. The MSPA, including but not limited to an evaluation of the impacts of the subdivision on the following criteria: **All voted "aye". (3-0)**

Criterion 1: Effects on Agriculture: All voted sufficient. (3-0)

Criterion 2: Effects on Agricultural Water User Facilities: All voted sufficient. (3-0)

Criterion 3: Effects on Local Services:

Corvallis Rural Fire District: Commissioner Iman reviewed the offered mitigation for the Corvallis Rural Fire District in the amount of $900 per new lot. **All voted sufficiently mitigated. (3-0)**

Corvallis School District: The Board determined having no impact to the school district since it is commercial. **All voted sufficiently mitigated. (3-0)**

Public Safety Services – John Horat had offered mitigation of $100 per new lot for the impacts to Public Safety Services. **Commissioner Stoltz voted sufficiently mitigated. Commissioner Foss voted sufficiently mitigated. Commissioner Iman voted not sufficiently mitigation. (2-1)** He would like to see the offer be $500 due to the location along Highway 93. Commissioner Stoltz argued the amount is sufficient due to the existing operation already having an impact. Commissioner Foss addressed the need to keep the impact to Public Safety Services to a minimum. John Horat offered $100 per new lot payable upon final plat and $400 per new lot payable upon first conveyance for a total of $500 per new lot. Commissioner Iman voted sufficient and Commissioner Foss voted sufficient and Commissioner Stoltz voted non-sufficient due to requesting more money. (2-1) **Commissioner Foss recommended accepting the original offer of $100 per new lot. The vote remained the same (2-1).**

Emergency Services: **All voted sufficient. (3-0)**

Roads: **All voted sufficient. (3-0)**

Pedestrian and Bicycle Facilities: **All voted sufficient. (3-0)**

Water and Wastewater District: **All voted sufficient. (3-0)**

Solid Waste Services: **All voted sufficient. (3-0)**

Postal Services: **All voted sufficient. (3-0)**

Utilities: **All voted sufficient. (3-0)**

Criterion 4: Effects on Natural Environment: All voted sufficiently mitigated.

Surface Water Features: **All voted sufficient. (3-0)**

Ground Water Quality: **All voted sufficient. (3-0)**

Air Quality: **All voted sufficient. (3-0)**

Light Pollution: **All voted sufficient. (3-0)**

Vegetation: **All voted sufficient. (3-0)**

Noise Levels: **All voted sufficient. (3-0)**

Historical/Archeological Sites: **All voted sufficient. (3-0)**

Criterion 5: Effects on Wildlife: **All voted sufficient. (3-0)**

Criterion 6: Effects on Wildlife Habitat: **All voted sufficient. (3-0)**

Criterion 7: Effects on Public Health and Safety: Commissioner Iman addressed the accesses being close together although approved. **All voted sufficient. (3-0)**

Commissioner Stoltz made a motion to approve AP Ziegler Lots, Lot A, Subsequent Minor Subdivision based on the findings of fact and conclusions of law in the subdivision report and subject to the conditions to the staff report and as mitigated here today. Commissioner Foss seconded the motion and all voted "aye". (3-0)

►Commissioner Foss attended the Western Montana Center and Child Development meetings in Libby leaving at 12:00 p.m.