COMMISSIONERS APPROVAL

IMAN

CHILCOTT

FOSS

KANENWISHER

STOLTZ

PLETTENBERG (Clerk & Recorder)

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

Date……..July 11, 2011

►Minutes: Beth Perkins

►The Board met for a personnel matter at 8:30 a.m.

Commissioner Iman stated there is some new information from Friday's grievance. Commissioner Chilcott stated the employee wishes to have an attorney present prior to any additional testimony given in this matter. The employee called their attorney on Friday afternoon and is waiting a return call for instructions. **Commissioner Stoltz made a motion to continue this meeting until 11:00 a.m. tomorrow. Commissioner Foss seconded the motion and all voted "aye". (4-0)**

►The Board met for a department head meeting at 9:30 a.m.

►The Board met for group interview with Right to Farm & Ranch Board applicants Jim Ellingson and Laura Garber at 11:00 a.m.

►The Board met to interview TBID Board of Trustees applicant Tex Irwin at 11:30 a.m.

►The Board met for discussion and possible decision of Victim Witness grant personnel at 1:30 p.m. Present were CFO Klarryse Murphy, Human Resource Director Robert Jenni and Val Wilmer.

Klarryse Murphy stated there is a Victim Witness (VW) grant employee leaving who works 20 hours on the SAFE grant and 10 hours on the VW grant. When this person leaves they would like another employee to take over the 10 hours from VW grant bringing them up to 30 hours per week. This would also incur a bump in pay from $10.00 per hour to $11.50 per hour. **Commissioner Chilcott made a motion to fill the pending vacancy funded by the Victim Witness grant through October 1st. Commissioner Foss seconded the motion**. Discussion: Commissioner Iman requested employee B stays at the current rate until employee A resigns. Discussion followed regarding funding options. **All voted "aye". (4-0)**

►The Board met with Bitterroot National Forest Supervisor Julie King regarding the Forest Vegetation Management 5 year plan (moved from July 7th) at 2:00 p.m.

►The Board met for the continuation of a public hearing for FlatIron Major Subdivision at 3:00 p.m. Present were Planner Tristan Riddell, Planning Administrator Terry Nelson, Territorial Landworks Representatives Jason Rice, Paul Forsting, Andrea Day, Civil Counsel Dan Browder, Civil Counsel Geoff Mahar and several citizens.

Commissioner Iman opened the hearing and requested a review of the previous hearings. Planner Tristan Riddell gave a recap of the previous criterion and prerequisites reviewed by the Board. He presented additional comments Exhibit B-37 from Lucille Molinari and Exhibit B-38 petition distributed by Bill LaCroix of approximately 100 signatures in opposition and Exhibit B-39 from Gabe Leonardi.

Criterion 2: Effects on Agricultural Water User Facilities:
Irrigation Infrastructure: Commissioner Iman requested developer comments regarding Hedge Ditch, Gird Creek and the existing irrigation ditch. Paul Forsting indicated where the irrigation ditches and pipe line will be on the property parcels. He discussed the water rights and a 20-foot irrigation easement for the use of Lots 1-5. They will also relocate the existing access with a wider road and better terrain. There is an easement across the property. Tristan stated the prescriptive easement is 20-feet. There is a 30-foot easement proposed for Gird Creek where it enters the property on Lot 241 and heads north. Tristan discussed the fencing agreed upon and requiring additional easement access. The Board discussed head gates and diversion points. Tristan suggested the diversion points be incorporated into the amended three conditions. **The Board concurred.** Commissioner Iman then discussed the water rights being used to separate underground water. Paul Forsting replied the developer is aware that it is not in favor by Daly Ditches. Commissioner Iman called for Board's consensus for findings of fact 1-8. **The Board concurred.**

Water Rights/Shares: Paul Barteni explained the water rights stay with the land. Daly Ditches ensures proportionate water with those rights. Commissioner Iman asked if Daly Ditches shares are within the water district and not necessarily to this property. If this property decides to not pay for the water, can those shares can be returned to Daly Ditches for distribution. Paul Barteni replied the shares are tied to the property. Civil Counsel Dan Browder discussed the water rights and the lack of understanding of the process and how much say does Daly Ditches have in that process. Jason Rice stated there has to be a significant impact. The owner of the water right is Daly Ditches and they cannot be forced to sign an application to change the purpose of use. He does not see how that would have a significant impact. Commissioner Iman reviewed item #10 regarding the Beneficial Water Use Permit and he would like to add under item # 9 to have confirmation from Daly Ditches. Tristan stated the letter to Territorial Landworks from Daly Ditches should cover this area. Exhibit A-21 would acknowledge Daly Ditches is aware and does not propose to utilize the water shares. **The Board concurred.**

Conclusions of Law:

Irrigation Infrastructure: **The Board concurred.**
Water Rights/Shares: **The Board concurred.**

Commissioner Iman opened public comment for Criterion 2: Effects on Agricultural Water User Facilities.

Paul Barteni, Manager of Daly Ditches expressed concern regarding storm water run-off and it cannot be allowed to collect in the ditch due to oils and tires. If the water is not going to be used, the water installation has to be there prior to approval. A letter is needed if the water is not going to be used.

Bill LaCroix stated the 50 foot setback was deemed inadequate by the Board of Health in December 2010 and it should be honored. He is a member of Daly Ditches and is familiar with shares versus rights. He does not want this subdivision messing up people's sub-laterals. There were 200 comments total in the comments he submitted earlier, not 100.

Ren Cleveland stated water runs down hill, people have wells and there are 500 acres being irrigated.

Gabe Leonardi asked if the water from Daly Ditches is not going to be used, is the drinking water going to be used for irrigation.

Commissioner Iman closed public comment for Criterion 2: Effects on Agricultural Water User Facilities. He requested comments regarding the storm water drainage.

Andrea Day stated as part of the storm water drainage, the design and analysis cannot exist beyond the existing conditions. The design captures the difference between what is there and the increase for the ten year storm. They will increase the amphibious area and capture the difference. There is one point at the bottom of the ditch that is greater than the ten year storm. Commissioner Kanenwisher questioned the quality of the water. Paul Forsting discussed the effects on natural environment and a report from AMAC for the impacts of pesticides and herbicides effecting service water and founding conditions of approval preventing the use of herbicides and pesticides from five feet of the ditch. Andrea Day stated the design includes a stage analysis such as ponds. Discussion followed regarding the detention ponds and filtration swales. Commissioner Chilcott discussed the Hedge Ditch being in the lower portion of the parcel and creating a drainage plan depends upon it. As to impacts of surface run-off into their irrigation ditch, it needs to be filtered. Jason Rice clarified there will not be overtopping.

Commissioner Kanenwisher addressed comments made by Gabe Leonardi regarding depleting the water table and he finds the comment not creditable evidence to support the claim. Commissioner Kanenwisher discussed comments made by Bill LaCroix for the location of the septic system. He asked Paul Barteni what scenario would prevent people from using their water shares. Discussion followed regarding paying for water but not having any shares.

Commissioner Iman in addition to the findings of fact, the water share are provided to an individual lots but can be used by the systems provided. Jason Rice addressed comments made by Ren Cleveland regarding wells going dry at the Fairgrounds. There aren't any wells at the Fairgrounds and weren't until this year. **Commissioner Chilcott made a motion based on the findings of fact, conclusions of law and as amended with additional findings of fact for the Hedge Ditch for increased storm water in the event of a ten year event, Exhibit A-21 correspondence from subdivider to Daly Ditches will not ensure the allowance of the exchange of water rights, the water shares are not proposed for individual lots but may be**

used for common areas the effects on Ag water user facilities are sufficiently mitigated. Commissioner Kanenwisher seconded the motion and all voted "aye". (5-0)

Criterion 4: Effects on Natural Environment: Commissioner Chilcott requested accepting the findings of fact for the Surface Water Features (items 1-11). The Board concurred.

Ground Water Quality (Items 12-34): Commissioner Chilcott stated there is confusion about the process of a community water system. He requested clarification of the process. Jason Rice reviewed the design of the community waster system and wastewater treatment facility with the Board and reviewed the groundwater monitoring and irrigation practices via MCA 76-3-604. There were both groundwater monitoring and testing conducted where in some areas the depth was 32 inches for groundwater. Future monitoring will be the important piece as well as following DEQ rules and the renewal of a discharge permit every five years. Environmental Health Director Lea Guthrie stated Environmental Health monitored the property and then explained the DEQ process for an operation and maintenance plan for the water system and wastewater treatment facility. Jason Rice stated DEQ requires an application for a water right for each phase and to consider the adverse impacts. DEQ is looking at surface waters. The basin has more water rights on paper than actual water used. Lea stated all information from this hearing is forwarded to the DEQ for their own hearing including public comment. Commissioner Iman noted for the record the Board of Commissioners does not have jurisdiction to make recommendations to the DEQ. Commissioner Chilcott discussed the length of time to go through the process in order to obtain a permit and where in the process is the subdivider. Jason Rice replied due to the expense, the process has not been started as well as the potential for denial. Commissioner Iman asked about the drainage plan for this property during a storm water event. He expressed his concern for impacts to off-site properties. Andrea Day replied there are a series of detention ponds to serve the purpose of detaining water in a storm water event. Commissioner Chilcott requested limitations of applications of pesticides and herbicides in recommended covenants. Tristan replied there are included and cannot be changed without going before the local body for approval. **The Board concurred to accept the findings of fact by Staff.**

Wetlands: There are about three acres total of wetlands on this property and have been designated as no build zones. **The Board concurred to accept the findings of fact by Staff.**

Air Quality: Commissioner Kanenwisher questioned the use of woodstoves. The applicant is proposing to only allow the installation of EPA-certified wood stoves for homes within the subdivision. **The Board concurred to accept the findings of fact by Staff.**

Light Pollution: **The Board concurred to accept the findings of fact by Staff.**

Vegetation: Commissioner Iman stated there is notification this subdivision is within the Airport Affected Area. Tristan replied there are restrictions of building height and tree height. **The Board concurred to accept the findings of fact by Staff.**

Noise Levels: Commissioner Chilcott requested adding livestock operation to finding of fact number 57. **The Board concurred to accept the findings of fact by Staff with the addition to number 57.**

Historical/Archeological Sites: **The Board concurred to accept the findings of fact by Staff.**

Commissioner Iman opened public comment for Criterion 4: Effects on Natural Environment.

Laurie Burnham asked about light pollution and stated an attraction is the night sky. She asked what steps can be taken to not illuminate the sky.

Less Rutledge asked if the potential catastrophic event of surface water as been considered. DEQ will stay on top of it but has it been considered.

Kathie Roubik asked about herbicides, pesticides, pharmaceuticals and solid waste. She asked what will happen to the pond sludge.

Gabe Leonardi addressed the conflict of interest with Commissioner Kanenwisher. He discussed the surface water and well at 250 feet. There can be both a swamp and low groundwater at the same time. The groundwater is a huge concern.

Pam Erickson stated this is emotional and there is a concern about groundwater. The groundwater map needs to consider what the Leonardis have said about high groundwater.

Gary Garfield emphasized the groundwater issue and the hole dug last week with large amounts of water that caved the sides of the test hole. The drinking water at the 100-200 foot level will go to the closed basin area. Those issues need to be addressed. Another consideration is the odor that will be created by wastewater treatment facility.

Ren Cleveland discussed the process of the City Council and the Planning Board reviewing this subdivision. Their water comes out of a faucet and flushes down the toilet. They do not understand digging holes for water. They must review some of these wet spots for water and the sewer facilities.

Commissioner Iman then closed public comment for Criterion 4: Effects on Natural Environment.

Commissioner Kanenwisher asked if there is going to be a requirement for full cut-off street lights. Tristan stated there is a recommendation for full cut-off lighting but not a requirement. Commissioner Foss addressed Gabe Leonardi's concern with groundwater and there will be additional groundwater testing. Jason Rice confirmed there will be additional groundwater testing. The system is far away from the creek. The system has to be DEQ compliant and there will not be an odor. There will be sludge generation and it will be removed and hauled to Missoula. Another option is to bring it to a compost facility. Commissioner Chilcott addressed comments made by Les Rutledge for the concern of a catastrophic event such as a large amount of rainfall. Jason Rice replied it is not part of regular events and has not been considered. Commissioner Kanenwisher agreed that a catastrophic event would not be a catastrophic event if it was planned for as part of a regular event. Jason Rice has planned for a 100 year event and it was incorporated into the design. Lea Guthrie stated DEQ requires monitoring groundwater and not just use the map provided. Environmental Health staff was on-site to the Leonardi property for groundwater testing as well and entered into the public record. Commissioner Iman stated irrigation practices on a neighboring property have been in litigation since the groundwater monitoring for this property has started. He asked if there is an identifying factor. Lea replied yes, it is the Leonardi property irrigation practices which have been included into the public

record. Civil Counsel Dan Browder discussed full cut-off lighting and the offer to require a greater level of engineering events in excess of a ten year event. Terry Nelson stated the applicant has volunteered to install full cut-off lighting. **The Board concurred to have this as additional finding of fact.** Discussion followed regarding requirements versus standards versus requests. The Board concurred to add a finding of fact for unusual run-off due to frozen ground and high rain events. Public comment expressed concern of the potential for an usual event of frozen ground and high rain and the ability of the subdivision to retain/detain those peak flows. **The Board concurred amend Condition 20 to include provisions for the combination of unusual events related to frozen ground and excessive moisture.** Civil Counsel Dan Browder discussed pharmaceuticals in the water and run-off. Commissioner Kanenwisher stated there are two ways a pharmaceutical can get into water: one being metabolite and the other being dissolution. He has heard no creditable evidence of these trace amounts to address for this system. Commissioner Chilcott noted for record that this treatment system would operate at a much higher level than a regular system. Jason Rice stated there was a letter submitted regarding pharmaceuticals in on-site sewage systems. Commissioner Kanenwisher proposed a finding of fact that this issue was brought up and a letter was submitted to address pharmaceuticals. **The Board concurred.**

Conclusions of Law:

Surface Water Features: **The Board concurred.**

Groundwater Quality: **The Board concurred.**

Wetlands: **The Board concurred.**

Air Quality: Commissioner Chilcott requested Conclusion of law number 11 remove dates for open burning. **The Board concurred.**

Vegetation: **The Board concurred.**

Commissioner Chilcott made a motion based on the findings of fact and conclusions of law and as discussed by the Board with public testimony and subject to the conditions of approval find the impacts of this subdivision with as amended. Commissioner Foss seconded the motion and all voted "aye". (5-0)

►The Board recessed for 30 minutes. The Board reconvened at 7:58 p.m. Tristan stated additional public comment was received from Kelsey Milner and will be entered into the record as Exhibit B-40.

Criterion 5: Effects on Wildlife:

Sensitive Species: **The Board concurred to accept the findings of fact by Staff.**

Commissioner Iman opened public comment for the effects on wildlife.

Les Rutledge stated there are two major areas to be concerned about wildlife being along Gird Ditch and between the pedestrian area. He asked if the developer is considering a no build area. Commissioner Kanenwisher asked Les Rutledge for clarification of between the road and the

build area. Les replied it is referred to as the common area and he didn't know if the building units would be closer to the wildlife area.

Pam Erickson expressed concern about bird habitat specifically the rough-legged hawk. Terry Nelson clarified comment is to be about wildlife not wildlife habitat at this time.

Commissioner Iman closed public comment for the effects on wildlife.

Conclusions of Law:

Commissioner Kanenwisher asked if the rough-legged hawk is on the sensitive species list. It was noted comments received from FWP does not specify the rough-legged hawk. Commissioner Kanenwisher did not find any creditable evidence of an impact on the wildlife specifically the rough-legged hawk. The developer has proposed a 50-foor no-build zones extending from Gird Creek, Hedge Ditch and the un-names drainage will not be disturbed by the development. Tristan stated there is between 100-200 feet of the common area from the back of the homes. Commissioner Iman noted for record there is 117 acres of open space which will serve as corridors for wildlife.

Commissioner Stoltz made a motion based on the findings of fact and conclusions of law, the findings within the Biological Resources and Wetlands Survey and the recommended condition of approval, potentially significant adverse impacts on wildlife will be sufficiently mitigated. Commissioner Kanenwisher seconded the motion and all voted "aye". (5-0)

Criterion 6: Effects on Wildlife Habitat: Commissioner Kanenwisher requested a finding of fact that the 117 acres of open space is enough for two wildlife corridors as finding of fact number 3. **The Board concurred.**

Commissioner Iman opened public comment for the effects on wildlife habitat.

Lucille Molinari stated if people are picnicking and their kids screaming, there will be no wildlife habitat. If all the conditions are reviewed yearly such as water, if they go broke then what.

Laurie Burnham drives by the property and there are a lot of deer to be considered.

Commissioner Iman closed public comment for the effects on wildlife habitat.

Conclusions of Law:

Commissioner Chilcott made a motion based on the findings of fact and conclusions of law, the findings within the Biological Resources and Wetlands Survey , the fact that the property does not contain critical wildlife habitat and the recommended condition of approval, potentially significant adverse impacts on wildlife habitat have been sufficiently mitigated as amended here today. Commissioner Stoltz seconded the motion and all voted "aye". (5-0)

Criterion 7: Effects on Public Health and Safety:
Traffic Safety: Commissioner Kanenwisher noted previous comment regarding a pedestrian path along the length of Golf Course Road. The Board noted for record the comment was addressed. Commissioner Chilcott requested the pedestrian/bike path is along a defined easement and be noted for record. **The Board concurred to accept the findings of fact as amended for items 1-8.**

Emergency Vehicle Access and Response Time: **The Board concurred with findings of fact for items 9-13.**

Water and Wastewater: Commissioner Iman requested the additional public comment be entered into the record for a final decision document. Tristan concurred and added they will also be forwarded to DEQ. He also noted previous amendments for water and wastewater under effects on agricultural water user facilities. **The Board concurred with findings of fact for items 14-27 as amended.**

Natural and Man-Made Hazards: Commissioner Kanenwisher asked how long will there be water in the ponds. Andrea Day replied it would depend on the weather conditions. Discussion followed regarding a potential man-made hazard for the detention ponds with one-foot of water. **The Board concurred with findings of fact for items 28-39.**

Commissioner Iman opened public comment for effects on public health and safety.

Maggie Wright asked about the chain of liability with the wastewater system and if the County could ultimately be liable.

Ren Cleveland asked about the mental health of the people living in the area of this development. He asked about the types of foundations and crawl spaces for these homes with a high probability for mold.

Les Rutledge asked about the issue of construction and crosswalks for pedestrians. The pedestrian pathway should be identified at every intersection with a bike warning signs for traffic especially for the right-hand side of Golf Course Road.

Gary Garfield if there is any standing water such as the ponds, will draw mosquitoes and pond scum. The scum would make it difficult for someone to get out should they fall in. He discussed the groundwater seepage for slab houses and the potential for splitting of concrete with settling creating mold. He asked the Board in reviewing this subdivision to have consideration for the people who may buy these homes.

Commissioner Iman closed public comment for effects on public health and safety.

Commissioner Kanenwisher confirmed by covenant there will be no basements or crawl spaces. With a background in mental health, he validated there isn't any confirmed diagnosis of mental health caused by a subdivision. He addressed the comment made by Les Rutledge for signage for bike/pedestrian path where it crosses the intersection. He requested Board consensus for some pavement markings for the path and signage. Discussion followed regarding the signage for the pedestrian/bike path and the internal pathways. Commissioner Chilcott suggested adding a

finding of fact for the need of signage for both internal and external roadways for the pedestrian/bike path. **The Board concurred.** Tristan stated it would be captured as a condition for uniform traffic control devices identifying crossings internal to the subdivision and where the subdivision connects to Golf Course Road. **The Board concurred.** Tristan requested specification of when the signage should occur during the phases. **The Board concurred to have the signage occur with the phasing plan.** Commissioner Chilcott addressed the comment of the mosquito infestation with the detention ponds. The water should not be standing water at any time. Jason Rice suggested notification document for special construction techniques. **The Board concurred to add to the covenants.**

The Board concurred to accept the proposed offer from the developer that basements or crawl spaces shall be prohibited for all structures within this subdivision.

Conclusions of Law:

Commissioner Chilcott made a motion based on the findings of fact and conclusion of law, and subject to the conditions and requirements of final plat approval and as amended here today, potentially significant adverse impacts of the subdivision on the public health and safety is sufficiently mitigated. Commissioner Kanenwisher seconded the motion and all voted "aye". (5-0)

Commissioner Iman opened public comment on the entire subdivision.

Maggie Wright asked why her question did not get answered and requested the Board vote no until the answers can be given.

Lucille Molinari submitted a petition with signatures against the subdivision due to traffic.

Bill VanCanagan commended the Board for the throughout review of this subdivision. He also commended the Staff for their investigation and the County Attorney's staff for their participation.

Les Rutledge stated this is the second major subdivision he has been involved with. He commended the developers for including amenities as part of the design. Although the infrastructure will not be paid by taxpayers, the County is under an obligation in the future to look at additional funds to support this. Taxes only accomplish a portion of actual funding of infrastructure in a subdivision. The water issue can turn into a bad thing. It is difficult to predict the future and the developer has take means to address the concerns. There was a petition of 200 signatures to deny this subdivision and 30 people who requested denial who gave testimony. The Planning Board denied this subdivision. He requested the Board recognize the past review of this subdivision.

Laurie Burnham stated this subdivision is larger than the town of Victor. Commercial businesses will be proposed. She asked if there will be a fire department and a school too. People who would voice this off on the people who are living out there have no consideration for the existing residents. She commended the Board for following the law and wishes people's feelings could be considered.

Gary Garfield stated this is a catastrophe in the making. There will be issues with the water, wastewater and traffic. He cautioned the Board that once it is approved, there is no turning back and the County and the people will pay the price.

Ren Cleveland sold his ranch of 60 acres with the speculation of no developer because he does not want to see the land destroyed. The mental health aspect is how the destruction will affect the existing residents with 30 years of construction and problems with the water and potential failure of the water system. This is a bad deal at a bad time in a bad place. He was offended by a Commissioner for his previous testimony regarding a park on Kurtz Lane and requested an apology.
Laurie Burnham added it would be difficult for an ambulance to locate a home in this development.

Commissioner Iman closed public comment.

Commissioner Chilcott addressed the comment made by Maggie Wright should this development go bankrupt and the County's liability. Civil Counsel Dan Browder stated there are requirements. The County could have liability for passing a development with inadequate save guards. Commissioner Kanenwisher stated part of the review is a financial assurity for the development. The Homeowner's Association is the ultimate responsible party. There are several systems for guidelines and regulations outside of the subdivision regulations in place as part of the process. Commissioner Chilcott stated this process is not by popular vote but an application of law and legal standards that exist to be followed. The applicants come in with their best shot to follow those laws and then are reviewed by this Board. Water and wastewater are issues but will be reviewed by the DEQ and will continue to be monitored in the future. There is not provision for "gee, I don't like it". He commended the public for coming in and sitting for numerous hours and giving comment which in some cases did result in an additional finding of fact. Commissioner Kanenwisher reiterated Commissioner Chilcott's comments. Commissioner Foss stated this is a matter of law. It is difficult to hear the emotions of the constituents without having the luxury of changing legislative process. The Board listens to all public comment made and does consider it within the law. Commissioner Stoltz will stand behind previous comments for following the law. Commissioner Iman stated the Board must follow the law. This Board is not the only decision maker and must rely on other agencies such as DEQ to make judgments. This is the largest subdivision in Ravalli County and a balance has been struck to provide amenities and open space. It is not a complete picture with the remainder to be seen from the other agencies involved. The relative ability to perform has to be within the law.

Commissioner Chilcott made a motion based on the findings of fact and conclusions of law and subject to the conditions and as amended here today for an overall finding for the seven criteria, that the potentially significant adverse impacts of the subdivision have been sufficiently mitigated. Commissioner Kanenwisher seconded the motion. Commissioner Iman called point of order for the agenda. All voted "aye". (5-0)

Tristan recapped the conditions added and/or amended: Condition 1 added language to the notification for storm water drainage facilities letting people know there are some hazards associated with the detention ponds; adjustments to notification of open burning season without specific dates; At the request of the developer, notifications of lighting for new construction; special construction techniques for basements and crawl spaces and slabs; installation of wood stoves will be incorporated in covenants; Amended Condition 7 to accept the offered mitigation

for $250 per unit paid at each phase upon first conveyance for the school district; Condition 8 for $100 for public safety services per phase per unit; Added language to Condition 20 stating the storm water drainage plans include provisions for the peak flows of the Schnook event to be reviewed by the County's consulting engineer; removed Condition 28 - the proportional share for traffic impact analysis and replaced with multiple conditions at Phase 1 approximately $4,500 will be submitted of proportional share for road improvements deposited into an account for the Golf Course Road corridor used by the Ravalli County Road & Bridge Department when appropriate and the remaining amount to be split over the remaining 14 phases for the life of the project ($32,000 per phase); Phase 2, 5, & 11 for the installation of 48 inch fencing to be given a top rail where it abuts an irrigation ditch, provide accesses as appropriate along the conditional access easement points and at diversion points for irrigation infrastructure. Conditions at each phase added to ensure compliance of the general discharge permit prior to the filing of each subsequent phase, added language to Conditions at each phase related to the installation of the pedestrian facilities stating that the uniform traffic control devices as appropriate will be installed specifically looking at the access points from the paved pathway onto Golf Course Road being four access points along FlatIron Ranch Road, Legend Trail and the eastern access point and the western access point with signage for dead end.

Commissioner Chilcott made a motion that the existing agricultural covenant running with the certificate of survey number 2258 be revoked, that the proposed phasing plan be accepted and the FlatIron Ranch Major Subdivision be conditionally approved, based on the findings of fact and conclusions of law in the staff report and subject to the conditions and final plat requirements in the staff report and as amended. Commissioner Kanenwisher seconded the motion and all voted "aye". (5-0)

SIGN IN SHEET – COMMISSIONERS MEETING ROOM

****PLEASE PRINT YOUR NAME LEGIBLY****

THANK YOU!

DATE: 7/11/11

MEETING: Flat Iron

Paul Bartenin Daly Ditches

Kathie Roubik

REE VAN OPPEN WEBER HOMEOWNERS

Ren C Cleveland

Gabe Leonardi

Lucille Molinari

John Vreckin

Les Rettledge

Gary Garfield