



**AP LOT 32, FLORENCE ORCHARD HOMES
FIVE LOT MINOR RESIDENTIAL AND COMMERCIAL SUBDIVISION**

STAFF REPORT FOR RAVALLI COUNTY BOARD OF COUNTY COMMISSIONERS

CASE PLANNER: Jim Osborne

REVIEWED/APPROVED BY: Terry Nelson

**PUBLIC HEARING/
PUBLIC MEETING:**

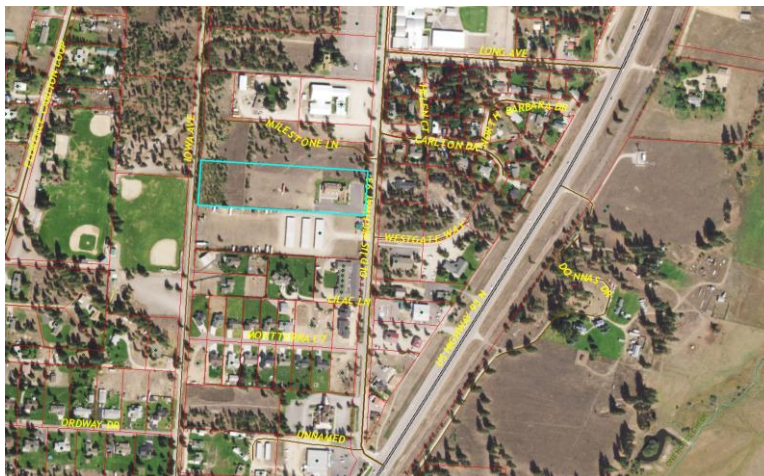
Planning Board Public Meeting: Not Applicable
BCC Public Hearing: 1:30 p.m., September 14th, 2021
Deadline for BCC action
(60 working-days): October 18th, 2021

SUBDIVIDER: Florence Medical Group, LLC
P.O. Box 1134
Florence, MT 59833

REPRESENTATIVE: Anna Vickers
Territorial-Landworks, Inc. now IMEG
1817 South Avenue West, Suite A
Missoula, MT 59801

LOCATION OF REQUEST: The property presently consists of one lot in the Florence Orchard Homes Subdivision, and is located approximately ¼ mile north of the intersection of Old U.S. Hwy. 93 and U.S. Hwy. 93 N., on the west side of Old U.S. Hwy. 93, within the community of Florence (*See Location Map, below*).

Location Map



(Source Data: Ravalli
County GIS
Department)

**LEGAL DESCRIPTION
OF PROPERTY:**

Florence Orchard Homes, Lot 32, located in the SW ¼ of Section 11, T10N, R20W, P.M.M., Ravalli County, Montana.

**APPLICATION
INFORMATION:**

The subdivision application was deemed sufficient for public review on August 5th, 2021. Agencies were notified by mail of the subdivision on August 12th. No comment have been received. **This subdivision is being reviewed under the Ravalli County Subdivision Regulations (RCSR) amended June 4th, 2012.**

LEGAL NOTIFICATION:

Notice of the project was posted on the property, and property owners adjacent to, and within 300' of the property, in addition to the applicant, were notified by mail dated August 12th, 2021. A legal notice was placed in the Ravalli Republic on August 18th & August 25th, 2021. No comments have been received.

**DEVELOPMENT
PATTERN:**

Subject property: Existing Commercial Medical Building
North: Vacant
South: Mini Storage
East: Residential
West: Recreational, Park

INTRODUCTION

AP Lot 32 Florence Orchard Homes is a proposed 5-lot minor subdivision on 4.63 acres. The subdivision is proposed to include 4 single-family-residential lots and one commercial lot with an existing medical clinic. The property is located approximately ¼ mile north of the intersection of Old U.S. Hwy. 93 and U.S. Hwy. 93 N., on the west side of Old U.S. Hwy. 93, within the community of Florence. The property is located within the Florence-Carlton School District and the Florence Rural Fire District. The commercial lot is currently served by a public septic and public water supply well. The four new residential lots will be served by septic with 2 shared wells. Access to the existing commercial lot is proposed to be provided from Old U.S. Highway 93, on the subdivision's east boundary and access to the four residential lots will be provided from Iowa Avenue, a privately maintained road. The subdivision has the potential to add an estimated 2 children to the School District, and approximately 32 additional vehicular trips per day to the road system.

Staff recommends conditional approval of the subdivision proposal.

RAVALLI COUNTY BOARD OF COUNTY COMMISSIONERS
SEPTEMBER 14TH, 2021

AP LOT 32, FLORENCE ORCHARD HOMES
FIVE LOT MINOR RESIDENTIAL AND COMMERCIAL SUBDIVISION

PLANNING STAFF RECOMMENDED MOTION

That the AP Lots 32 Florence Orchard Homes Minor Subdivision preliminary plat application and preliminary plat be **approved**, based on the findings of fact and conclusions of law in the staff report, and subject to the conditions in the staff report.

PLANNING STAFF RECOMMENDED MITIGATING CONDITIONS OF APPROVAL

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

1. **Notifications to Future Property Owners:** A signed and notarized document entitled "Notifications to Future Property Owners", that includes the following notifications, shall be included in the submission of the final plat to the Planning Department, and filed with the final plat:

Notification of Iowa Avenue to service Subdivision Lots, and Roadway Maintenance Agreement. Iowa Avenue, a private roadway serving this subdivision, is 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 Roadway Maintenance Agreement was filed with this subdivision, and outlines which parties are responsible for maintenance, and under what conditions. (RCSR Section 3-7(B)(5)(c), *Effects on Local Services*)

Notification of Limitation of Access onto Roadways Abutting this Subdivision. A "no-ingress/egress" restriction exists along the Old U.S. Hwy. 93 frontage with this subdivision, except for the existing access providing vehicular access to Lot 1 along the subdivision's east boundary, Lots 2 thru 5 shall access off Iowa Avenue. This limitation of access may be lifted or amended only with the approval of the Ravalli County Board of County Commissioners. (RCSR Section 3-7(B)(5)(c), *Effects on Local Services*, and Section 3-7(B)(5)(g), *Effects on Public Health and Safety*)

Notification of Stormwater Drainage Facilities. Within this subdivision, there are stormwater drainage facilities intended to capture and channel stormwater runoff. No structures may be placed within these facilities that are not needed for stormwater management. (RCSR Section 3-7(B)(5)(d), *Effects on Natural Environment*)

Notification of Well Easements. Lots 2 & 3 contain shared wells and a shared driveway with well and waterline easements, as shown on the final plat. (RCSR Section 3-7(B)(5)(g), *Effects on Public Health and Safety*)

Notification of Seasonal Open Burning. Landowners must follow open burning rules, established by MDEQ. Prior to burning, call the MDEQ ventilation hotline at 1-800-225-6779 for air quality restrictions the day of the burn. The only material that can legally be burned is wood waste from trees, shrubs, and plants originating on the property, and clean, untreated wood generated on the property. You can review Montana open burning laws at <https://deq.mt.gov/Portals/112/DEQAdmin/DIR/Documents/legal/CH08-06.pdf>. Specific information regarding the Ravalli County Burn Permit procedures is available at <http://ravalli.us/501/Burning-Permits>. Obtain a permit through <http://www.burnpermits.mt.gov> or physically through the Ravalli County Sheriff's Department. Before burning, call 1-866-212-6318

to activate said permit the day of burning. (RCSR Section 3-7(B)(5)(d), Effects on Natural Environment, and Section 3-7(B)(5)(g), Effects on Public Health and Safety)

Notification Regarding 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. (RCSR Section 3-7(B)(5)(d), Effects on Natural Environment; (e) and (f), Effects on Wildlife and Wildlife Habitat; and (g), Effects on Public Health and Safety)

Notification of Radon Exposure. The owner understands and accepts the potential health risk from radon concentrations, which are presently undetermined at this location. Unacceptable levels of radon can be reduced through building design and abatement techniques incorporated into structures. Property owners are encouraged to have their structures tested for radon. Contact the Ravalli County Environmental Health Department for further information. (RCSR Section 3-7(B)(5)(g), Effects on Public Health and Safety)

Notification Regarding Junk Vehicles. Junk vehicles are required to be removed, shielded, or repaired in accordance with the Montana Motor Vehicle Recycling and Disposal Act, Title 75, Chapter 10, Part 5, MCA. (RCSR Section 3-7(B)(5)(g), Effects on Public Health and Safety)

Notification of Living with Wildlife. Owners and/or renters of lots in this residential and commercial subdivision (hereafter, "occupants") 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, livestock feed, and other potential attractants. Occupants must be aware of potential problems associated with the presence of wildlife such as deer, black bear, coyote, fox, raccoon, skunk, wild turkey, magpie, and other species. Please contact the Montana Fish, Wildlife & Parks office in Missoula (3201 Spurgin Road, Missoula, MT 59804) for brochures that can help owners "live with wildlife." Alternatively, see FWP's web site at <http://fwp.mt.gov>.

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

- a. Occupants must be aware of the potential for **vegetation damage by wildlife, particularly from deer** feeding on landscaping such as green lawns, gardens, flowers, ornamental shrubs and trees in this subdivision. Occupants 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 (such as 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 (§ 87-3-130, MCA) 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, occupants 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: a) be suspended a minimum of 20 feet above ground level, b) be at least 4 feet from any support poles or points, and c) 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 kept indoors, in a fenced yard, or in an outdoor kennel area when not under the immediate control of the owner, and not be allowed to roam as they can chase and/or 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 be held guilty (§ 87-3-124, MCA).
- 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 as bears, mountain lions, skunks, and raccoons. **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 property.
- 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 or wire) and no lower than 18 inches (at the bottom rail or wire) in order to facilitate wildlife movement. Contact FWP for information, and/or a brochure, on building fences 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.)

- I. **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.)
- m. These “living with wildlife” covenants cannot be altered or eliminated without the concurrence of the governing body (County Commissioners).

(RCSR Section 3-7(B)(5)(d-g), Effects on Natural Environment, Wildlife, Wildlife Habitat, and Public Health and Safety)

2. **Protective Covenants:** Protective covenants for this subdivision, signed and notarized, shall be submitted with the final plat that include the following provisions:

Control of Noxious Weeds. A weed control plan has been filed in conjunction with this subdivision. Lot owners shall control the growth of noxious weeds on their respective lot(s). Contact the Ravalli County Weed District for further information. *(RCSR Section 3-7(B)(5)(a), Effects on Agriculture and Adjacent Agricultural Operations; (d), Effects on Natural Environment; and (g), Effects on Public Health and Safety)*

Required Posting of County-Issued Addresses for Lots within this Subdivision. The Florence Rural Fire District has adopted the Fire Protection Standards, which require lot owners to post County-issued addresses at the intersection of the driveway leading to each residence/commercial building and the road providing access to the lot as soon as construction on the residence/commercial structure begins. *(RCSR Section 3-7(B)(5)(c), Effects on Local Services; and (g), Effects on Public Health & Safety)*

Access Requirements for Lots within this Subdivision. Florence Rural Fire District has adopted the Fire Protection Standards. All accesses, including driveways to residences/commercial buildings over 150' in length, must have a minimum unobstructed travel surface width of 20' with 1' shoulders, a vertical clearance of 13'6", and an all-weather surface that can accommodate the weight of a fire truck. Please contact the Florence Rural Fire District for further information. *(RCSR Section 3-7(B)(5)(c), Effects on Local Services; and (g), Effects on Public Health & Safety)*

State Commercial Building Standards. The State of Montana has building codes for commercial buildings. For further information, contact the Montana Department of Labor and Industry, at PO Box 1728, Helena, MT 59624-1728, or call 406-444-2840. *(RCSR Section 3-7(B)(5)(c), Effects on Local Services; and (g), Effects on Public Health & Safety)*

Archaeological Resources. If any archaeological, historic, or paleontological sites are discovered during road, utility, or building construction, all work will cease and the State Historic Preservation Office shall be contacted to determine if the find constitutes a cultural resource and if any mitigation or curation is appropriate. *(RCSR Section 3-7(B)(5)(d), Effects on Natural Environment)*

Installation of Wood Stoves. If wood-burning stoves are to be used, lot owners shall install EPA-certified wood stoves to reduce air pollution. It is recommended that wood-burning stoves not be used as the primary heat source. More information is available at <http://www.epa.gov/woodstoves/index.html>. The State of Montana offers an Alternative Energy Systems Credit for the cost of purchasing and installing a low-emission wood or biomass combustion device, such as a pellet or wood stove. *(RCSR Section 3-7(B)(5)(d), Effects on Natural Environment)*

Amendment. Written governing body approval shall be required for amendments to provisions of the covenants that were required to be included as a condition of subdivision approval. (RCSR Section 3-7(B)(5), Effects on all seven criteria)

3. **RSID/SID Waiver:** The subdividers shall include an RSID/SID waiver in a notarized document filed with the subdivision plat that states the following: "Owners and their successors-in-interest waive all rights to protest the creation of a special/rural improvement district for any purpose allowed by law, including: developing, improving, or expanding, a community water system, or a community wastewater treatment system, for an incorporated municipality, improving and/or maintaining the roads that access the subdivision (i.e., Old U.S. Hwy. 93), including related right-of-way, drainage structures, and traffic control signs, and constructing and/or maintaining any pedestrian facilities, such as sidewalks, bike lanes, and trails. This waiver will expire 20 years after the date the final plat is filed with the Ravalli County Clerk and Recorder." (RCSR Section 3-7(B)(5)(c), Effects on Local Services; (g), Effects on Public Health & Safety; and 76-3-608(7), MCA)
4. **Addresses:** The subdivider shall provide evidence with the final plat submission that they have applied for County-issued addresses for each lot/unit within this subdivision. (RCSR Section 3-7(B)(5)(c), Effects on Local Services; and (g), Effects on Public Health & Safety)
5. **Fire Suppression:** The subdivider has agreed, via email, to provide evidence that a \$500.00-per-new-lot contribution has been made to the Florence Rural Fire District with the final plat approval, in lieu of the required water supply for fire protection. (RCSR Section 3-7(B)(5)(c), Effects on Local Services; and (g), Effects on Public Health & Safety)
6. **School District Mitigation:** The applicant has agreed, via email, to provide evidence that a \$250.00-per-new-lot contribution will be made to the Florence-Carlton School District. The applicant shall provide evidence that the decided-upon mitigation has been implemented, prior to final plat approval. (RCSR Section 3-7(B)(5)(c), Effects on Local Services)
7. **Public Safety Services Mitigation:** The applicant has agreed, via email, to provide evidence that a \$150.00-per-new-lot contribution has been made to alleviate perceived 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. (RCSR Section 3-7(B)(5)(c), Effects on Local Services; and (g), Effects on Public Health & Safety)

FINAL PLAT APPLICATION REQUIREMENTS (RAVALLI COUNTY SUBDIVISION REGULATIONS)

The following items shall be included in the final plat application submission, as required by the Ravalli County Subdivision Regulations, Appendix C [Staff Note: items in ~~strike through~~ are not applicable to this subdivision]. If the applicant believes an item is not applicable, the applicant shall provide an explanation as to why the item is not applicable.

The required materials in the final plat application shall be ordered as follows:

1. The final plat application review fee.
2. A statement from the subdivision surveyor or engineer outlining how each final plat requirement or condition of approval has been satisfied.
3. 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 24.83.1107). (One paper copy may be submitted for the first proofing.) Final plats must be legibly drawn with permanent ink or printed or reproduced by a process guaranteeing a permanent record and must be 18 inches by 24 inches or 24 inches by 36 inches overall to include a 1 ½-inch margin on the binding side.

4. If more than one sheet must be used to adequately depict the land subdivided, each sheet must show the number of that sheet and the total number of sheets included. All certifications must be placed or referred to on one sheet.
5. A final plat containing on its face or on separate sheets referred to on the plat the requirements outlined in [Appendix D](#). The surveyor may, at his or her discretion, provide additional information regarding the survey, and must show any additional information as required by the BCC.
6. The original copy of the preliminary plat decision.
7. ~~Any variance decisions.~~
8. Copies of extensions of the preliminary plat approval period.
9. Consent to Plat form, including notarized signatures of all owners of interest, if the developer is not the underlying title holder.
10. A Title Report dated no less than one (1) year prior to the date of final plat application submission.
11. The MDEQ Certificate of Subdivision Approval or RCEHD approval.
12. Copy of the General Discharge Permit for Stormwater Associated with Construction Activity from the MDEQ.
13. The original document of 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.
14. Final roadway name approval from the County GIS Department for all newly constructed roadways.
15. ~~A copy of the Department of Revenue tax assessment or an appraisal report, per [Section 13-6 or 13-7](#), 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 applicants dedication.~~
16. ~~Finalized roadway and driveway approach and encroachment permits from the RCRBD and MDOT, as appropriate.~~
17. ~~Final engineering plans and specifications for all public water and sewer systems and any other improvements requiring engineering plans.~~
18. Final roadway plans, including:
 - a. Final Roadway plans approved by the RCRBD for all roadways to be constructed or reconstructed within or outside of the subdivision boundaries. Roadway plans shall be prepared by an engineer;
 - b. For each type of roadway proposed, typical cross sections for the full easement width;
 - c. Roadway grades;
 - d. Roadway profiles for all proposed roadways which have grades exceeding 7% or cuts and fills exceeding three feet;
 - e. Type and location of other infrastructure within the roadway easement, such as non-motorized walkways and curbs/gutters, if there are any;
 - f. Other information as appropriate and as necessary for the RCRBD to conduct and complete its review; and
 - g. Evidence that the roadway plans meet the roadway standards in these regulations.
19. Grading, drainage and stormwater management plans, prepared by an engineer in accordance with MDEQ Circular 8 as amended and the ARM for all subdivisions in which a roadway is to be constructed or reconstructed, including subdivisions with lots greater than 20 acres in size, shall be provided. The grading and stormwater plans shall be approved by all applicable reviewing agencies.
20. Roadway maintenance agreement(s) for all roadways and common driveways, which shall include the following requirements:
 - a. A description of the parcels that are subject to the agreement;
 - b. The section of the roadway or location of the common driveway that is subject to the agreement;
 - c. The agreement is binding on any person having an interest in a parcel that is subject to the agreement;

- d. Any person providing public utilities may use the utility easements for such purposes;
- e. Decisions to undertake any roadway maintenance is the responsibility of the landowners and shall be based on a majority vote (over 50%) of the parties to the agreement;
- f. Who is eligible to cast a vote (one vote per parcel);
- g. How the maintenance costs will be assessed (equally or disproportionately) to the parties to the agreement;
- h. The amount that will be assessed in the event that a party subdivides a parcel that is subject to the agreement;
- i. In the event that an assessment becomes delinquent, the assessment and interest and the cost of collection shall become a continuing lien on the lot;
- j. The agreement is perpetual and cannot be rescinded unless the County or State agrees to maintain the roadway described in the agreement;
- k. When a subdivision, or lots within a subdivision, is proposed for non-residential purposes, the provision for maintaining all associated parking lots shall be included in this document;
- l. Roadway/common driveway maintenance includes dust control, snow removal, maintenance of stormwater drainage facilities, ordinary maintenance and reconstruction if necessary. Roadway maintenance shall also include on-street parking enforcement provisions, in accordance with on-street parking provided for in the roadway design, because failure to enforce on-street parking may result in the inability of emergency services providers to provide service to lots along this roadway(s);
- m. The agreement may be amended, except that it may not be amended to be less strict or less inclusive; and
- n. Notary statement.
- o. Recording of Agreement. Roadway / maintenance agreement(s) shall be filed with the Clerk & Recorder as a single document (prior to or concurrent with the filing of the final plat) and shall not include other provisions not related to roadway maintenance (e.g. land use restrictions, etc.), unless there is a provision in the document stating that the roadway maintenance agreement section in the covenants cannot be amended to be less strict or less inclusive.

21. Utility availability certification(s).

22. ~~Completed, signed, and notarized Master Irrigation Plan, including to the following:~~

- ~~a. The plan and all supporting documentation shall be prepared by a person with a working knowledge of irrigation water delivery systems,~~
- ~~b. The plan shall be drawn at the same scale as required for the final plat,~~
- ~~c. The plan shall be legible, showing all of the required information,~~
- ~~d. Where multiple sheets are used, a cover sheet with index shall be included and each sheet shall show the number of that sheet and the total number of sheets included,~~
- ~~e. The plan shall show the location of all existing and new diversion points, ditches, pipes, pumps, heads, and associated easements,~~
- ~~f. The plan shall provide a watering schedule that shows when each of the users can use water from the system,~~
- ~~g. The plan shall describe the means to share in the cost of operating and maintaining those elements of the delivery system held in common,~~
- ~~h. The plan shall describe the amount of water allocated to each of the lots, and~~
- ~~i. Notary statement.~~

23. ~~Documentation from the appropriate irrigation company or district approving the relocation or alteration of irrigation infrastructure, and distribution of water right shares when the proposed subdivision 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.~~

24. Documentation indicating that the water rights have been severed from the property.
25. Protective covenants to be filed with the final plat that are signed and notarized.
26. Copies of permits issued by the Bitterroot Conservation District, U.S. Army Corps of Engineers, and/or the Ravalli County Floodplain Program.
27. Signed and notarized homeowners' association documents, including the following requirements:
 - a. Articles of Incorporation, which shall be filed with the Secretary of State's office
 - b. Bylaws
 - c. Covenants, and/or declarations, and
 - d. The homeowners' association documents shall include the following information:
 - (1) Mandatory membership for each landowner. Purchasers of property may also be required to sign a waiver of right to protest the formation of a maintenance district to maintain improvements;
 - (2) A description of the common areas (land and facilities) that the landowners will own in common;
 - (3) Perpetual reservation of the common areas when required under [76-3-621\(6\)\(a\), MCA](#);
 - (4) Payment of liability insurance premiums, local taxes, and the cost of maintaining recreational or other facilities;
 - (5) Placement of liens on the property of lot owners who are delinquent in the payment of association fees and assessments;
 - (6) Process for adjusting assessments to meet changing needs;
 - (7) Means of enforcing any covenants, and of receiving and processing complaints;
 - (8) Transition of control of the association from the applicant to the homeowners as lots are sold;
 - (9) Dissolution of the association or modification of the covenants and restrictions after obtaining BCC approval for the change; and
 - (10) Regular maintenance of roadways, parks, buildings, open space, drainage facilities, common areas, and other facilities controlled by the association.
 - (11) Notary statement.
 - (12) Recording of Agreement. The homeowners' association documents shall be filed with the Clerk & Recorder as a single document.
28. Evidence that defensible space building envelopes have been provided.
29. High fire hazard area Management Plan, including the following:
 - a. A map showing the areas that are to be cleared of dead, dying, or severely distressed vegetation;
 - b. A map of the areas that are to be thinned or treated for vegetative fuels management (thinning, fuel breaks, etc.), including defensible space building envelopes, roadway and driveway vegetation clearing;
 - c. Defensible space building envelopes shall have a minimum defensible space as described in subpart (1), below:
 - (1) From twenty (20) feet to one hundred (100) feet from a dwelling unit, thin trees to ten (10) feet between crowns, prune limbs of all remaining trees to fifteen (15) feet or one-third the total live crown height (whichever is less), and remove all downed woody fuels.
 - d. Driveway vegetation clearing shall be completed and maintained as described in subpart (1), below:

- (1) ~~All live surface vegetation within five (5) feet of each side of individual driveways at twelve (12) inches or less and remove all dead vegetation, logs, snags, etc. Driveways shall be situated on each lot such that all required fuel reduction activities will occur solely on the lot on which the driveway is located.~~
- e. ~~A narrative describing proposed vegetative management activities and timelines for when those activities are anticipated to be carried out and by whom;~~
- f. ~~Provisions for the ongoing maintenance of defensible space and vegetation clearance along roadways and driveways;~~
- g. ~~Provisions for the testing and maintenance of water delivery systems to ensure those systems are in operative conditions at all times and are repaired or replaced when defective;~~
- h. ~~How the costs of vegetation management and/or water delivery system testing and maintenance will be assessed (equally or disproportionately) to the parties to the agreement;~~
- i. ~~The amount that will be assessed in the event that a party subdivides a parcel that is subject to the agreement;~~
- j. ~~In the event that an assessment becomes delinquent, the assessment and interest and the cost of collection shall become a continuing lien on the lot; and~~
- k. ~~Notary statement.~~
- l. ~~Recording of Agreement. The high fire hazard area Management Plan shall be filed with the Clerk & Recorder as a single document and shall not include other provisions not related to high fire hazard area management.~~
30. Evidence that pro-rata share has been paid, if required.
31. Evidence that improvements have been made in accordance with the conditions of approval and requirements of final plat approval and certified by the applicant, engineer, or contractor, as may be appropriate and required. An engineer's certification shall be required in any instance where engineered plans are required for the improvement. Alternatively, a subdivision improvement agreement and guaranty shall be required that complies with [Appendix I](#).
The required improvements for this subdivision include the improvement if Iowa Avenue per the preliminary Road Construction Plans and any signs required by the Road and Bridge Department, installation of stormwater conveyance systems and detention/retention systems, and installation of CBU's and concrete slabs, if required.
32. Evidence that a Collection Box Unit (CBU) has been installed, in accordance with local and federal Postal Service Policy, or a written approval from the local Post Office that a CBU is not necessary.

FINAL PLAT REQUIREMENTS (RAVALLI COUNTY SUBDIVISION REGULATIONS)

The final plat shall be submitted, with the following features shown on its face, as required by the Ravalli County Subdivision Regulations, Appendix D [Staff Note: items in ~~strikethrough~~ are not applicable to this subdivision]. If the applicant believes an item is not applicable, the applicant shall provide an explanation as to why the item is not applicable.

1. A title, or title block, indicating the quarter-section, section, township, range, principal meridian, county and, if applicable city or town, in which the subdivision is located. The title of the plat must contain the words "plat" and either "subdivision" or "addition".
2. The name of the person(s) who commissioned the survey and the name(s) of the landowner(s) of the subdivision if other than the person(s) commissioning the survey, the names of any adjoining platted subdivisions, and the numbers of any adjoining certificates of survey previously filed.
3. The dated, signed, and notarized consent to the subdivision of the landowner(s) of the subdivision.

4. The dated signature and the seal of the surveyor responsible for the survey. The affixing of this seal constitutes a certification by the surveyor that the final plat has been prepared in conformance with the MSPA and these regulations.
5. A memorandum of any oaths administered under [76-3-405, MCA](#).
6. Certification by the BCC that the final plat is approved.
7. Space for the Clerk & Recorder's filing information in the lower right hand corner.
- ~~8. Certificate of public dedication, if any.~~
- ~~9. Certificate of cash-in-lieu-of-park-dedication-payment.~~
10. Other certifications, as appropriate.
11. North arrow.
12. Scale bar (the scale must be sufficient to legibly represent the required information and data on the plat).
13. A narrative legal description of the subdivision, as follows:
 - a. If the parcel being subdivided is either an aliquot part of a U.S. government section or a U.S. government lot, the information required by this subsection is the aliquot or government lot description of the parcel,
 - b. If the plat depicts the division of a parcel or lot that is shown on a filed certificate of survey or amended plat, the information required by this subsection is the number or name of the certificate of survey or amended plat and the number of the parcel or lot affected by the survey,
 - c. If the parcel surveyed does not fall within (a) or (b), above, the information required by this subsection is the metes-and-bounds description of the perimeter boundary of the subdivision,
 - d. If the plat establishes the boundaries of a subdivision containing one or more interior parcels, the information required by this subsection is the legal description of the perimeter boundary of the subdivision.
14. The bearings, distances, and curve data of all boundary lines. If the subdivision is bounded by an irregular shoreline or body of water that is a riparian boundary, the bearings and distances of a meander traverse generally paralleling the riparian boundary must be given.
15. The location of, and other information relating to all monuments found, set, reset, replaced, or removed.
16. If additional monuments are to be set after the plat is filed, the location of these monuments must be shown by a distinct symbol, and the plat must bear a certification by the surveyor as to the reason the monuments have not been set and the date by which they will be set.
17. All monuments found during a retracement that influenced the position of any corner or boundary indicated on the plat must be clearly shown.
18. The location of any section corners or corners of divisions of sections pertinent to the survey.
19. Witness and reference monuments and basis of bearings.
20. Data on all curves sufficient to enable the re-establishment of the curves on the ground. For circular curves these data must at least include radius and arc length. For non-tangent curves, which must be so labeled, the plat must include the bearings of radial lines or chord length and bearing.
21. Lengths of all lines shown to at least tenths of a foot, and all angles and bearings shown to at least the nearest minute. Distance measurements must be stated in English units, but their metric equivalents, shown to the nearest hundredth of a meter, may be noted parenthetically.
22. The location of any section corners or corners of divisions of sections the surveyor deems to be pertinent to the subdivision.
23. The total acreage of the subdivision.

24. All lots and blocks in the subdivision, designated by letter and/or number, the dimensions of each lot and block, the area of each lot, and the total acreage of all lots (Excepted parcels must be marked "Not included in this subdivision" or "Not included in this plat," as appropriate, and the bearings and lengths of these excepted boundaries must be shown).
25. Easements/rights of ways (location, width, purpose, ownership), including any conditional public access easement(s) and utility easements.
26. The location, dimensions, and areas of all parks, common areas, and other grounds dedicated for public use.
27. ~~No-build/alteration zones and no-build zones.~~
28. No-ingress/egress zones.
29. ~~Water resources (rivers, ponds, etc.).~~
30. ~~Floodplains.~~
31. Irrigation ditches/canals/pipelines, including diversion point(s), etc.
32. ~~High pressure gas lines.~~
33. The names and locations of all roadways; their widths (if ascertainable) from public records, bearings and area; and the width and purpose of all roadway easements that will be created by the filing of the plat.
34. The following certifications must appear on the face of, or accompany, the approved final plat, when it is presented to the Clerk & Recorder for filing:
 - a. If applicable, the landowner's certificate of dedication of roadways, parks, playground easements or other public improvements,
 - b. If applicable, a certificate of the BCC expressly accepting any dedicated land, easements or improvements. An acceptance of a dedication is ineffective without this certification,
 - c. A certificate of a title abstractor showing the names of the landowner(s) of the subdivision and the names of any lien holders or claimants of record against the land,
 - d. The written consent of the subdivision landowner(s), if different than the applicant, and any lien holders or claimants of record against the land,
 - e. References to any covenants or deed restrictions relating to the subdivision,
 - f. If applicable, a certificate from MDEQ or RCEHD stating that it has approved the plans and specifications for water supply and sanitary facilities,
 - g. A certificate from the applicant indicating which required improvements have been installed and a copy of any subdivision improvement agreement securing the future construction of any additional improvement(s) to be installed,
 - h. Unless otherwise provided by these regulations, copies of final plans, profiles, grades and specifications for improvements, including a complete grading and drainage plan, with the certification of an engineer that all required improvements which have been installed are in conformance with the attached plans,
 - i. ~~If requested, the certificate of a surveyor appointed by the BCC to review surveys and plats submitted for filing [76-3-611, MCA],~~
 - j. ~~If a roadway created by the final plat will intersect with a State Highway, a copy of the MDOT State Highway access or encroachment permit, or a written approval from MDOT that a permit is not necessary, and~~
 - k. The certification of the County Treasurer that all real property taxes and special assessments levied on the land to be subdivided have been paid.
35. If an alternate emergency access point is proposed, please clearly identify on the final plat, within the appropriate easement.

SUBDIVISION REPORT

1. COMPLIANCE WITH PREREQUISITES TO APPROVAL

Section 3-10(A) of the RCSR states that the BCC shall not approve or conditionally approve a preliminary plat application, unless it is established by credible evidence that the proposed subdivision:

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

Findings of Fact

1. The final plat must show existing and proposed utility easements. (Final Plat Requirement)
2. The applicant proposes to supply natural gas and electricity through Ravalli Cooperative Electric, and telephone service through CenturyLink Communications. (Subdivision Questionnaire, Summary of Probable Impacts)
3. The applicant proposes a 50' private access and utility easement, oriented east-west, for access and utilities. (Preliminary Plat, Summary of Probable Impacts)

Conclusions of Law

1. The preliminary plat and associated application materials present credible evidence that utility easements will serve the subdivision. (Staff Determination)
2. Final plat approval is contingent upon compliance approval. With compliance, the proposed subdivision will adequately provide for public utility easements. (Staff Determination)

B. Requirement that (i) the proposed subdivision provides physical and legal access to each lot; (ii) the preliminary plat depicts access; and (iii) each instrument transferring title to a subdivision lot includes access appurtenant to the legal description.

Findings of Fact

1. Old U.S. Hwy. 93 accesses U.S. Hwy. 93 North approximately ¼ mile South of the property. (Ravalli County GIS)
2. The commercial lot (Lot 1) will continue access from Old US Highway 93. The four residential lots (2-5) will access from Iowa Avenue, a privately maintained road. (Preliminary Plat)
3. An Approach Permit was issued by the Ravalli County Road and Bridge Department for Lot 1 to access onto Old U.S. Hwy. 93. (Subdivision Application)
4. The subdivider has submitted a preliminary Roadway Maintenance Agreement for Iowa Avenue, which applies to the four residential lots within the subdivision. (Subdivision Application)
5. There are no physical obstructions preventing access to the subdivision from Old U.S. Hwy. 93, and no physical obstructions preventing access to the subdivision lots from Iowa Avenue. (Staff Site Visit)

Conclusions of Law

1. The preliminary plat and associated application materials present credible evidence that there is legal and physical access to each parcel within the proposed subdivision. (Staff Determination)

C. Requirement that applicant will install required improvements before final plat approval, or that applicant will guarantee their installation after final plat approval, as provided by Appendix I of Ravalli County Subdivision regulations.

Findings of Fact

1. The applicant must construct, or install, the following: Applicant to improve a portion of Iowa Avenue, to approved preliminary plans and signs as required by the Road and Bridge Department. (Final Plat Application Requirement)
2. The applicant must construct, or install, the following, if required: CBU and concrete slabs. (Final Plat Application Requirement)
3. The applicant must document, and certify, compliance, prior to final plat approval. (Final Plat Application Requirement)

Conclusion of Law

Installation of improvements, as required, or an acceptable guarantee of installation following final plat approval, will adequately ensure compliance. (Staff Determination)

D. Requirement under 76-3-504(1)(j), MCA, that applicant reserve all or a portion of the appropriated water rights, establish a landowner's water use agreement, or sever all surface water rights.

Findings of Fact

1. The proposed subdivision lots average less than 5 acres. (Staff Calculation)
2. No water rights are appurtenant to the subdivision property. The subdivision property is not entitled to water from an organized ditch company. (DNRC Water Rights Query Webpage, Subdivision Questionnaire)

Conclusion of Law

The requirements of MCA 76-3-504(1)(j) do not apply to this subdivision proposal. (Staff Determination)

E. Requirement under 76-3-504(1)(k), MCA, pertaining to ditch easements and potential buyer notification.

Finding of Fact

No water rights are appurtenant to the subdivision property. The subdivision property is not entitled to water from an organized ditch company. (DNRC Water Rights Query Webpage, Subdivision Questionnaire)

Conclusion of Law

The requirements of 76-3-504(1)(k), MCA, do not apply to this subdivision proposal. (Staff Determination)

F. Requirement under 76-3-504(l), MCA, pertaining to the requirement to file and record ditch easements for unobstructed use and maintenance of existing water delivery ditches, pipelines, and facilities.

Findings of Fact

1. No ditches are located within the subject property (Subdivision Questionnaire)

Conclusion of Law

The requirements of 76-3-504(l), MCA do not apply to this subdivision proposal. (Staff Determination)

2. COMPLIANCE WITH APPLICABLE REGULATIONS

Section 3-10(B) of the RCSR states that in approving, conditionally approving, or denying a preliminary plat application, the BCC shall ensure the preliminary plat application complies with:

A. The Ravalli County Subdivision Regulations, including, but not limited to, the Design and Development Standards set forth in Chapter 12.

Findings of Fact

1. The lot layout, as indicated on the preliminary plat, meets the lot design standards in Chapter 12 of the RCSR. (Preliminary Plat)
1. This subdivision proposal has followed the necessary application procedures, and has been reviewed within the procedures provided in Chapters 2 and 3 of the Ravalli County Subdivision Regulations. (Subdivision File and Staff Determination)
2. 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 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. Any applicable zoning regulations.

Finding of Fact

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

Conclusion of Law

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

C. Existing covenants and/or deed restrictions.

Finding of Fact

There are no existing covenants or deed restrictions on this property. (Subdivision Questionnaire, Ravalli County Clerk and Recorder's Office)

Conclusion of Law

Compliance with existing covenants or deed restrictions is not applicable for this proposal. (Staff Determination)

D. Other applicable regulations.

Findings of Fact

1. Following are regulations that may apply to this subdivision:
 - 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 applicant was made aware of the applicable regulations at the pre-application conference held on February 26th, 2020. (Subdivision File)
3. Prior to final plat approval, the subdivider is required to submit applicable permits and evidence that they have met applicable regulations. (RCSR Appendices C and D)

Conclusion of Law

With the mitigating conditions of approval, requirements of final plat approval, and requirements of final plat application approval, the application will meet all of the applicable regulations. (Staff Determination)

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

1. CRITERION 1: EFFECTS ON AGRICULTURE AND ADJACENT AGRICULTURAL OPERATIONS

Findings of Fact

1. The subject property is classified for tax purposes as Commercial Rural. (Montana Cadastral Database created by Montana Department of Administration, Information Technology Services Division, Geographic Information Services)
2. The surrounding properties within 300 feet of the subject property are classified as Vacant Land Rural, Commercial Rural, to the south; Commercial Rural, Vacant Land Rural, to the north; Commercial Rural, Residential Rural, Vacant Land Rural to the east; and Government Property, and Exempt Property (County park) to the west. The surrounding properties range in size from approximately 0.28 to 6.40 acres. (Montana Cadastral Database created by Montana Department of Administration, Information Technology Services Division, Geographic Information Services, Ravalli County GIS)
3. The subject property is currently undeveloped, and not in agricultural production. (Subdivision File-Summary of Probable Impacts, Site Visit, Ravalli County GIS)
4. The subdivision will be located in an area already impacted by development, including commercial uses and U.S. Hwy. 93 N. to the south and east, commercial and residential uses to the north, and residential uses to the west. (Site Visit, Ravalli County GIS)
5. The subdivider submitted a Ravalli County Subdivision Noxious Weed Evaluation Form, in accordance with the element submission requirements of the RCSR. (Subdivision Application – Noxious Weed Evaluation)
6. The subdivision property is wholly comprised of “Chereete cobbly coarse sandy loam” soil (Map Unit Symbol 304B), classified as Not Prime Farmland. (NRCS Web Soil Survey data)
7. Other than the need to control weeds, no potentially significant adverse impacts to agriculture have been identified through review. (Staff Determination)

Conclusions of Law

1. The Ground Disturbance and Noxious Weed Management Plan, approved by the Ravalli County Weed District, as a condition of subdivision approval, will sufficiently mitigate potentially significant adverse impacts to agricultural operations concerning weeds. (Final Plat Application Requirement)
2. No other mitigating requirements to minimize potentially significant adverse impacts to agriculture are required. (Staff Determination)

2. CRITERION 2: EFFECTS ON AGRICULTURAL WATER USER FACILITIES

Findings of Fact

1. The application states that there are water rights currently associated with the property. The existing pharmacy has Groundwater rights. There are no surface water rights. (Subdivision Questionnaire, Summary of Probable Impacts)

Conclusion of Law

There are no effects on Agricultural Water User Facilities. (Staff Determination)

3. CRITERION 3: EFFECTS ON LOCAL SERVICES

Findings of Fact

Fire District

- 1.1 The subdivision is located within the Florence Rural Fire District. (Ravalli County GIS Data)
- 1.2 The Florence Rural Fire District has a station approximately 1/2 mile to the south of the proposed subdivision. (Ravalli County GIS)
- 1.3 The Florence 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 is acceptable. (Exhibit A-1)
- 1.4 The applicant states that the primary emergency vehicle access point will be from the subdivision's proposed approach onto Old U.S. Hwy. 93. The applicant also states that an alternate emergency access could be from Iowa Avenue to the west of the subdivision, through the proposed 20' pedestrian easement identified on the preliminary plat. This easement, however, does not identify an alternate emergency vehicle access on the plat. (Community Impact Report, Preliminary Plat)
- 1.5 The applicant has agreed, via email, to provide evidence that a \$500.00-per-new-lot contribution has been made to the Florence Rural Fire District with the final plat approval, in lieu of the required water supply for fire protection. (Community Impact Report, Subdivision Questionnaire, Summary of Probable Impacts)
- 1.6 The Ravalli County Planning Department sent notification letters to the Florence Rural Fire District, requesting comments on the proposal, on August 12th, 2021; no comments have been received to date. (Subdivision File)
- 1.7 Potentially significant adverse impacts on local services, pertaining to fire districts, have been identified through review. (Staff Determination)

School District

- 2.1 With this subdivision, it is estimated that two (2) school-aged children will be added to the Florence-Carlton School District. (Subdivision Questionnaire, Summary of Probable Impacts)
- 2.2 The Ravalli County Planning Department sent notification letters to the Florence-Carlton School District, requesting comments on the proposal, on August 12th; no comments have been received to date. (Subdivision File)
- 2.3 The applicant has agreed, via email, to provide evidence that a \$250.00-per-new-lot contribution has been made to the Florence-Carlton School District. The applicant shall provide evidence that the decided-upon mitigation has been implemented, prior to final plat approval. (Community Impact Report, Subdivision Questionnaire)
- 2.4 The application states that Old U.S. Hwy. 93 is along a school bus route, however, no stops are available for subdivision students, since the schools are within 1/3 mile of the subdivision. A paved bicycle/pedestrian path adjoins Old U.S. Hwy. 93 en route to the schools. (Summary of Probable Impacts, Site Visit)

- 2.5 Potentially significant adverse impacts on local services, pertaining to school districts, have been identified through review. (Staff Determination)

Public Safety Services

- 3.1 The Ravalli County Sheriff's Office provides law enforcement services to this area. (Subdivision Questionnaire, Staff Determination)
- 3.2 Notification letters were sent to the Ravalli County Sheriff's Office, requesting comments, on August 12th, December; no comments have been received to date. (Subdivision File)
- 3.3 The average number of people per household in Ravalli County is 2.7. This subdivision proposal is for residential and commercial use, with the potential to add up to 11 residents. With regard to the proposed commercial uses, the number of employees and/or patrons that will be present at any given time is undetermined. (Census 2010 and Staff Determination)
- 3.4 Taxes from new residents and 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/commercial building and when public safety services receive tax money from the residence/business.
- 3.5 The applicant has agreed, via email, to provide evidence that a \$150.00-per-new-lot contribution be made to alleviate perceived 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. (Community Impact Report, Subdivision Questionnaire, Summary of Probable Impacts)
- 3.6 Potentially significant adverse impacts on local services, pertaining to public safety services, have been identified through review. (Staff Determination)

Emergency Medical Services

- 4.1 Ambulance services may be provided by Marcus Daly Memorial Hospital EMS Department, and Missoula Emergency Services, as an alternative. Marcus Daly Hospital and Missoula Emergency Services were contacted on August 12th, 2021; no comments have been received to date. (Subdivision File)
- 4.2 Neither Marcus Daly Memorial Hospital, nor Missoula Emergency Services, are funded by local taxes. (Staff Determination)
- 4.3 Potentially significant adverse impacts on local services, pertaining to emergency medical services, have been identified through review. (Staff Determination)

Roads

- 5.1 This subdivision, is expected to generate a total of 152 average daily trips to the road network. Of those trips, 32 would derive from residential uses, and the remaining 120 from existing commercial. (Subdivision Application Questionnaire, Summary of Probable Impacts)
- 5.2 The property is accessed by Old U.S. Hwy. 93, a County-maintained roadway, which in turn accesses U.S. Hwy. 93 N., approximately 100' south of the property. (Preliminary Plat, Ravalli County GIS, Site Visit)
- 5.3 A Traffic Impact Analysis was prepared for Iowa Avenue and improvements will be required as a final plat condition. (Subdivision Application)
- 5.4 Pro-Rata was calculated at \$207 for the additional 32 trips on Holloway Lane. (RCRBD Estimate)

- 5.5 Potentially significant adverse impacts on local services, pertaining to roads, have been identified through review. (Staff Determination)

Water and Wastewater Districts

- 6.1 The applicant proposes to meet the requirement of domestic water through 2 shared wells, and proposes to meet the requirement of wastewater and sewage treatment through individual septic systems. (Subdivision Questionnaire)
- 6.2 MDEQ is the reviewing authority for well and septic proposals. (Staff Determination)
- ~~6.3 The subdivider submitted water and sanitation information per MCA 76-3-622. The Ravalli County Environmental Health Department (RCEHD), contracting with MDEQ, provided documentation indicating that they have received adequate information for local subdivision review to occur. (Subdivision File - RCEHD review checklist)~~
- ~~6.4 A letter was submitted to Planning from MDEQ on July 31, 2014. The letter echoes the need for MDEQ approval of the project, stating: "This proposal may be subject to Sanitation in Subdivisions Act approval for water, wastewater, storm water and solid waste. Please contact the Subdivision Review Program at 406-444-5360 for additional information." (Exhibit A-3)~~
- 6.5 Well easements are shown on proposed Lots 2 and 3, for the benefit of Lots 2-5 on the preliminary plat and supplemental application materials. Conditions of approval will require that the well easements be shown on the final plat, that notification of the easements be provided in the Notifications Document, and that instruments conveying title to affected parcels convey an easement as an appurtenance to the title, or as a burden upon the title, as appropriate. (Subdivision Application, Preliminary Plat, Mitigating Conditions 1 and 16, Final Plat Requirement 25)
- 6.6 Potentially significant adverse impacts on local services, pertaining to water and wastewater districts, have been identified through review. (Staff Determination)

Solid Waste Services

- 7.1 Bitter Root Disposal services the area. (Staff Determination)
- 7.2 Notification letters were sent to Bitter Root Disposal, requesting comments, on August 12th, 2021; no comments have been received to date. (Subdivision File)
- 7.3 Bitter Root Disposal is a private service provider, and is not funded by local taxes. (Staff Determination)
- 7.4 The application states that each property owner will have to contract with Bitter Root Disposal for solid waste collection and subsequent transport to the Missoula BFI disposal site. (Community Impact Report)
- 7.5 No potentially significant adverse impacts on local services, pertaining to solid waste services, have been identified through review. (Staff determination)

Postal Service

- 8.1 The United States Postal Service (USPS), through the Florence Post Office, services the area. (Staff Determination)
- 8.2 No potentially significant adverse impacts on local services, pertaining to postal service, have been identified through review. (Staff Determination)

Utilities

- 9.1 The applicant proposes to provide natural gas and electricity through NorthWestern Energy, and telephone service through CenturyLink Communications. (Subdivision Questionnaire, Summary of Probable Impacts)
- 9.4 Notification letters were sent to CenturyLink Communications and NorthWestern Energy, requesting comments, on August 12th. Neither agency has offered comments to date. (Subdivision File)
- 9.5 Potentially significant adverse impacts on local services, pertaining to utilities, have been identified through review. (Staff Determination)

Conclusions of Law

Fire District

- 1.1 Because the subject property is located within the Florence Rural Fire District, the proposal complies with RCSR Section 12-9(F)(2). (Staff Determination)
- 1.2 With a condition of approval requiring that the subdivider offer a sufficient voluntary contribution, potentially significant adverse impacts on local services, pertaining to the Fire District, will be reasonably minimized, by compliance with the mitigating conditions. (Staff Determination)

School District

- 2.1 With a condition of approval requiring that the subdivider offer a sufficient voluntary contribution to the School District, potentially significant adverse impacts on local services, pertaining to the School District, will be reasonably minimized, by compliance with the mitigating conditions. (Staff Determination, Mitigating Condition)

Public Safety Services

- 3.1 With a condition of approval requiring that the subdivider offer a sufficient voluntary contribution, potentially significant adverse impacts on local services, pertaining to public safety services, will be reasonably minimized, by compliance with the mitigating conditions. (Staff Determination, Mitigating Condition)

Emergency Medical Services

- 4.1 Potentially significant adverse impacts on local services, pertaining to emergency medical services, will be reasonably minimized, by compliance with the mitigating conditions. (Staff Determination, Mitigating Conditions, Final Plat Application Requirement, Final Plat Requirement)

Roads

- 5.1 With a condition of approval requiring that the subdivider pay the pro-rata share of the cost to improve Old U.S. Hwy. 93 to County standards, potentially significant adverse impacts on local services, pertaining to roads, will be reasonably minimized, by compliance with conditions of subdivision approval. (Staff Determination)

Water and Wastewater Districts

- 6.1 Potentially significant adverse impacts on local services, pertaining to water and wastewater districts, will be reasonably minimized, by compliance with

conditions of subdivision approval. (Staff Determination, Mitigating Conditions, Final Plat Application Requirement, Final Plat Requirement)

Solid Waste Services

7.1 No subdivision design criteria are required to reasonably minimize potentially significant adverse impacts on local services, pertaining to solid waste services. (Staff Determination)

Postal Service

8.1 Authority to approve mailboxes rests with the U.S. Postal Service, and through its local post offices. The applicant is required to install mail service facilities, in accordance with local and federal Postal Service policy, and to provide evidence of compliance as a condition of approval. (RCSR Section 12-9(E); Final Plat Application Requirement)

8.2 No subdivision design criteria are required to reasonably minimize potentially significant adverse impacts on local services, pertaining to postal service. (Staff Determination)

Utilities

9.1 Potentially significant adverse impacts on local services, pertaining to utilities, will be reasonably minimized, by compliance with conditions of subdivision approval. (Staff Determination, Final Plat Requirement, Final Plat Application Requirement)

4. CRITERION 4: EFFECTS ON NATURAL ENVIRONMENT

Findings of Fact

Surface Water Features

1.1 No potentially significant adverse impacts on the natural environment, pertaining to surface water features, have been identified through review. (Staff Determination)

Floodplain

2.1 There are no 100-year floodfringe or floodway areas within the subject property boundary. The closest floodplain boundary is approximately ½ mile to the east, associated with the Bitterroot River. (Ravalli County GIS, Subdivision Application Questionnaire)

2.2 No potentially significant adverse impacts on the natural environment, pertaining to floodplain areas, have been identified through review. (Staff Determination)

Groundwater Quality

3.1 The applicant proposes to meet the requirement of domestic water through shared wells, and proposes to meet the requirement of wastewater and sewage treatment through individual septic systems. (Subdivision Questionnaire)

3.2 MDEQ is the reviewing authority for well and septic proposals. (Staff Determination)

3.3 Well easements are shown on proposed Lots 2 & 3, for the benefit of Lots 4 & 5, respectively, on the preliminary plat and supplemental application materials. Conditions of approval will require that the well easements be shown on the final plat, that notification of the easements be provided in the Notifications Document, and that instruments conveying title to affected parcels convey an easement as an appurtenance to the title, or as a burden

upon the title, as appropriate. (Subdivision Application, Preliminary Plat, Mitigating Conditions, Final Plat Requirement)

- 3.4 The subdivider submitted water and sanitation information per MCA 76-3-622. The Ravalli County Environmental Health Department (RCEHD), contracting with MDEQ, provided documentation indicating that they have received adequate information for local subdivision review to occur. (Subdivision File – RCEHD review checklist)
- 3.5 Potentially significant adverse impacts on the natural environment, pertaining to groundwater quality, have been identified through review. (Staff Determination)

Air Quality

- 4.1 This proposed subdivision would incorporate 5 lots and 5 total units, of both residential and commercial use, to an area of existing residential and commercial uses, within the community of Florence. (Subdivision Preliminary Plat, Site Visit, Ravalli County GIS)
- 4.2 MDEQ has reviewed the PM_{2.5} (particulate matter \leq 2.5 micron) data collected in 2007 and incorporated it into the PM_{2.5} dataset from the previous three years (2004-2006). As part of that analysis, MDEQ 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.
- 4.3 Sources of particulate from this subdivision could include vehicles, wood-burning stoves, and open burning. (Staff Determination)
- 4.4 Potentially significant adverse impacts on the natural environment, pertaining to air quality, have been identified through review. (Staff Determination)

Light Pollution

- 5.1 The incorporation of 5 lots and 5 total units, of residential and commercial use, in an area of existing residential and commercial uses, has the potential to create 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)
- 5.2 Potentially significant adverse impacts on the natural environment, pertaining to light pollution, have been identified through review. (Staff Determination)

Vegetation

- 6.1 The subdivider submitted a Ravalli County Subdivision Noxious Weed Evaluation Form, in accordance with the element submission requirements of the RCSR. (Subdivision Application – Noxious Weed Evaluation)
- 6.2 The property consists of grasses and small stands of widely-spaced trees.
- 6.3 Potentially significant adverse impacts on the natural environment, pertaining to vegetation, have been identified through review. (Staff Determination)

Noise

- 7.1 This proposed subdivision would incorporate 5 lots and 5 total units, of both residential and commercial use, to an area of existing residential and

- commercial uses, within the community of Florence. (Subdivision Preliminary Plat, Site Visit, Ravalli County GIS)
- 7.2 The subdivision property is located outside of the 65 DNL noise contour, as identified on the current Airport Layout Plan for the Ravalli County airport. (Ravalli County GIS)
 - 7.3 Future construction activities on the proposed lots will generate increased noise levels. (Staff Determination)
 - 7.4 Potentially significant adverse impacts on the natural environment, pertaining to noise pollution, have been identified through review. (Staff Determination)

Historical/Archaeological Sites

- 8.1 A letter dated March 31st, 2020 from Damon Murdo of the Montana State Historic Preservation Office identifies a historic railroad and two (2) historic residences within the search locale as recorded historical resources. The letter states that as long as there is no disturbance or alteration to structures over 50 years of age, there is a low likelihood that cultural properties will be impacted, and that a cultural resource inventory is unwarranted at this time. (Subdivision Application – SHPO Letter)
- 8.2 The Montana Rail Link is located at least 1,000 feet east of the subdivision property, and across U.S. Hwy. 93 N. from the property, and has no historical value. (Ravalli County GIS, Staff Determination, Environmental Assessment)
- 8.3 The subject property is currently undeveloped, and is not located within proximity to historic residences. (Ravalli County GIS, Site Visit, Environmental Assessment)
- 8.4 No potentially significant adverse impacts to the natural environment, pertaining to historical/archaeological sites, have been identified through review. (Staff Determination)

Conclusions of Law

Surface Water Features

- 1.1 No subdivision design criteria are required to reasonably minimize potentially significant adverse impacts on the natural environment, pertaining to surface water features. (Staff Determination)

Floodplain

- 2.1 No subdivision design criteria are required to reasonably minimize potentially significant adverse impacts on the natural environment, pertaining to floodplain areas. (Staff Determination)

Groundwater Quality

- 3.1 The subdivider has provided necessary information for public review, as required by 76-3-622, MCA. Potentially significant adverse impacts on the natural environment, pertaining to groundwater quality, will be reasonably minimized, by compliance with conditions of subdivision approval. (Staff Determination, Mitigating Conditions, Final Plat Application Requirement, Final Plat Requirement)

Air Quality

- 4.1 Potentially significant adverse impacts on the natural environment, pertaining to air quality, will be reasonably minimized, by compliance with the mitigating conditions. (Staff Determination, Mitigating Conditions)

Light Pollution

- 5.1 Potentially significant adverse impacts on the natural environment, pertaining to light pollution, will be reasonably minimized, by compliance with the mitigating conditions. (Staff Determination, Mitigating Condition)

Vegetation

- 6.1 Potentially significant adverse impacts on the natural environment, pertaining to vegetation, will be reasonably minimized, by compliance with conditions of subdivision approval. (Staff Determination, Final Plat Application Requirement)

Noise

- 7.1 Potentially significant adverse impacts on the natural environment, pertaining to noise pollution, will be reasonably minimized, by compliance with the mitigating conditions. (Staff Determination)

Historical/Archaeological Sites

- 8.1 No subdivision design criteria are required to reasonably minimize potentially significant adverse impacts on the natural environment, pertaining to historical/archaeological sites. (Staff Determination)

5. **CRITERION 5: EFFECTS ON WILDLIFE**

Findings of Fact

1. Notification letters were sent to Montana Fish, Wildlife, & Parks (MFWP), requesting comments, on August 12th, 2021; no comments have been received to date. (Subdivision File)
2. MFWP's "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. (Staff Determination)
3. A letter dated March 24th, 2020 from MNHP's Brian Maxell identifies the Great Blue Heron, Bald Eagle, Lewis' Woodpecker, Pileated Woodpecker, Westslope Cutthroat Trout, Bull Trout, and Fisher as species' of concern within the same PLSS section as the proposed subdivision. (Subdivision Application-MNHP Report)
4. The applicant indicated the absence of each of the above species on the property, in the Summary of Probable Impacts document, primarily due to the semi-developed parcels nearby and the lack of water features on the property. (Summary of Probable Impacts)
5. No potentially significant adverse impacts on wildlife have been identified through review. (Staff Determination)

Conclusion of Law

No subdivision design criteria are required to reasonably minimize potentially significant adverse impacts on wildlife. (Staff Determination)

6. **CRITERION 6: EFFECTS ON WILDLIFE HABITAT**

Findings of Fact

1. Notification letters were sent to Montana Fish, Wildlife, & Parks (MFWP), requesting comments, on August 12th, 2021; no comments have been received to date. (Subdivision File)
2. MFWP's "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. (Staff Determination)

3. A letter dated March 24th, 2020 from MNHP's Brian Maxell identifies the Great Blue Heron, Bald Eagle, Lewis' Woodpecker, Pileated Woodpecker, Westslope Cutthroat Trout, Bull Trout, and Fisher as species' of concern within the same PLSS section as the proposed subdivision. (Subdivision Application-MNHP Report)
4. The applicant indicated the absence of each of the above species on the property, in the Summary of Probable Impacts document, primarily due to the lack of canopy trees and water features on the property. (Summary of Probable Impacts)
5. The application states that due to the urbanization of the surrounding areas, there are no wildlife, or wildlife habitat, that would be impacted by the proposed subdivision. (Summary of Probable Impacts)
6. No potentially significant adverse impacts on wildlife habitat have been identified through review. (Staff Determination)

Conclusion of Law

No subdivision design criteria are required to reasonably minimize potentially significant adverse impacts on wildlife habitat. (Staff Determination)

7. CRITERION 7: EFFECTS ON PUBLIC HEALTH & SAFETY

Findings of Fact

Traffic Safety

- 1.1 The application states that the only health or safety hazard near the proposed subdivision would be the heavy traffic on U.S. Hwy. 93 N., to the south. (Summary of Probable Impacts)
- 1.2 Potentially significant adverse impacts on public health and safety, pertaining to traffic safety, have been identified through review. (Staff Determination)

Emergency Vehicle Access and Response Time

- 2.1 The proposed subdivision will be served by the Florence Rural Fire District, the Ravalli County Sheriff's Office, Marcus Daly Memorial Hospital EMS Department, and Missoula Emergency Services as an alternative. (Subdivision Application)
- 2.2 Notification letters were sent to the Florence Rural Fire District, Ravalli County Sheriff's Office, Marcus Daly Memorial Hospital EMS Department, and Missoula Emergency Services, requesting comments, on August 24th, 2021; no comments have been received to date. (Subdivision File)
- 2.3 The applicant plans to offer an unspecified monetary contribution to the Florence Rural Fire District and Public Safety Services (Sheriff, E-911, DES), to mitigate the effects of the subdivision on those services. (Community Impact Report, Subdivision Questionnaire, Summary of Probable Impacts)
- 2.4 Potentially significant adverse impacts on public health and safety, pertaining to emergency vehicle access and response time, have been identified through review. (Staff Determination)

Water and Wastewater

- 3.1 The applicant proposes to meet the requirement of domestic water through 2 shared wells, and proposes to meet the requirement of wastewater and

- sewage treatment through individual septic sewer systems. (Subdivision Questionnaire)
- 3.2 MDEQ is the reviewing authority for well and septic proposals. (Staff Determination)
 - 3.3 The subdivider submitted water and sanitation information per MCA 76-3-622. The Ravalli County Environmental Health Department (RCEHD), contracting with MDEQ, provided documentation indicating that they have received adequate information for local subdivision review to occur. (Subdivision File – RCEHD review checklist)
 - 3.4 Potentially significant adverse impacts on public health and safety, pertaining to water and wastewater, have been identified through review. (Staff Determination)

Natural and Manmade Hazards

- 4.1 There is a potential for radon in Ravalli County. (MDEQ)
- 4.2 The application states that the only health or safety hazard near the proposed subdivision would be the heavy traffic on U.S. Hwy. 93 N., to the south. (Summary of Probable Impacts)
- 4.3 Potentially significant adverse impacts on public health and safety, pertaining to natural and manmade hazards, have been identified through review. (Staff Determination)

Conclusions of Law

Traffic Safety

- 1.1 Potentially significant adverse impacts on public health and safety, pertaining to traffic safety, will be reasonably minimized, by compliance with conditions of subdivision approval. (Staff Determination, Mitigating Conditions, Final Plat Application Requirements)

Emergency Vehicle Access and Response Time

- 2.1 Potentially significant adverse impacts on public health and safety, pertaining to emergency vehicle access and response time, will be reasonably minimized, by compliance with conditions of subdivision approval. (Staff Determination, Mitigating Conditions, Final Plat Application Requirement, Final Plat Requirement)

Water and Wastewater

- 3.1 The subdivider has provided necessary information for public review, as required by 76-3-622, MCA. Potentially significant adverse impacts on public health and safety, pertaining to water and wastewater, will be reasonably minimized, by compliance with conditions of subdivision approval. (Staff Determination, Mitigating Conditions, Final Plat Application Requirement, Final Plat Requirement)

Natural and Manmade Hazards

- 4.1 Potentially significant adverse impacts on public health and safety, pertaining to natural and manmade hazards, will be reasonably minimized, by compliance with conditions of subdivision approval. (Staff Determination, Mitigating Condition, Final Plat Application Requirement)