



Phase Commencement Application

Sierra Vista Subdivision Phase 1

Gallatin County, Montana

Project No. 21-051

Project Manager: Brock D. Athman, PE



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Appendix 1

Cover Letter

- Cover Letter



May 15, 2023

Gallatin County Planning Department
Attn: Allyson Brekke, AICP, Deputy Planning Officer
311 West Main Street #108
Bozeman, MT 59715

**RE: Sierra Vista Subdivision – Phase 1 Commencement Application
Sierra Vista Major Subdivision, Gallatin County, Montana**

Dear Allyson:

Enclosed please find our Commencement Application for Phase 1 of the Sierra Vista Major Subdivision and supporting documents on behalf of *Cloverleaf Land and Development, LLC*. The project is located 0.6 miles southwest of the intersection of Gooch Hill Road and Huffine Lane. The subject property sits at the southern terminus of Rowland Road and Lanner Drive and the eastern terminus of Noble Peak Drive. The legal description of the approximate 32-acre development is Tract 3A of Certificate of Survey 22B located in Section 17, Township 2 South, Range 5 East, Principal Meridian Montana, Gallatin County, Montana.

The Sierra Vista Subdivision consists of 100 single-family residential lots in two phases. The Preliminary Plat was approved by the Gallatin County Commission at the end of 2022/beginning of 2023 (Findings of Fact signed on January 3, 2023). Enclosed is the Commencement Application for Phase 1 of the Sierra Vista Subdivision. Phase 1 is proposed to consist of 60 single-family residential lots along with park space and utility lots for stormwater facilities.

The Adjoining Property Owners List was checked and verified on May 10, 2023 and was found to be unchanged (from the Preliminary Plat list). The new list is found within this application. Given the recency of Preliminary Plat approval, there are no proposed changes for Phase 1 of the subdivision, nor any known revisions needed for the Environmental Assessment, Summary of Probable Impacts, and Community Impacts Report.

There are a few minor items that were planned or pending at the time of Preliminary Plat application but are now completed. At the time of Preliminary Plat application, it was anticipated that an irrigation ditch crossing the site was going to be piped in accordance with an agreement between the landowner and water user. That irrigation piping work has now been completed in accordance with the agreement and in preparation for the irrigation season. The documentation on that agreement was provided with the Preliminary Plat application and has not been duplicated herein. Additionally, at the time of Preliminary Plat application, the property was intended to be annexed into the RAE Water and Sewer District. That annexation is now completed. The recorded RAE Water & Sewer District Service Agreement for the currently planned Phase 1 is on file at the County Clerk & Recorder's Office, Document #2794752.

The Phasing Schedule has been updated with this Commencement Application. At the time of Preliminary Plat review and approval, there were some unknowns and assumptions made regarding the MDEQ review timeline and when Construction could begin. The Subdivision and infrastructure improvements are in the

process of MDEQ review for Phase 1, and more clarity exists regarding the anticipated construction schedule. Thus, the phasing plan and current anticipated schedule has been updated.

With the recency of Preliminary Plat approval, no intended changes to the Project, and no known changes at the site (except for planned irrigation pipeline now being existing, and planned annexation now being completed), we do not foresee any need for alterations to the existing Sierra Vista Preliminary Plat Findings of Fact, Conclusions of Law and Recommendations, as they are still appropriate for this Sierra Vista Phase 1 Commencement Application.

Enclosed is the Phase 1 Commencement Application and supporting documentation as well as a fee check in the amount of \$1,593 (\$1,350 for application and \$243 for mailing labels for 27 addresses) and a check in the amount of \$300 for fire protection review fees. If there are any questions or concerns, please contact the undersigned.

Respectfully submitted by,

Allied Engineering Services, Inc.



Brock D. Athman, PE, LEED AP
Civil Engineer

enc: Phase 1 Commencement Application Submittal Package

P:\2021\21-051 Peregrine - Major Subdivision\04 Permitting & Entitlements\05 County Subdivision Phase Commencement - Ph1\1. Cover Letter\Phase 1 Commencement Application Cover Letter.docx

Appendix 2

Commencement Application

- Gallatin County Phased Subdivision Commencement Application – Sierra Vista Ph.1
- Review Fee Checks (originals binder only)



GALLATIN COUNTY

Phased Subdivision Preliminary Plat Notice Of Commencement Application

APPLICATION PROCESS

1. Subdivider hires a qualified professional to prepare the application materials.
2. Subdivider and professional submit one (1) complete commencement application, eight (8) copies, the digital copy, and the fee to the Planning Department. To be submitted in a three ring binders with tabs separating sections.
3. Planner reviews the application for completeness.
4. Planning Staff will schedule the public hearing-within the statutory time limit of 30 working days once the application has been deemed complete.
5. Planning Department publishes legal notice, and notifies adjoining property owners via certified mail.
6. Planner sends subdivider a copy of the staff report and agenda for the public hearing.
7. Subdivider attends the public hearing.
8. Planner prepares the supplemental written findings of fact conclusions of law and order and schedules before the County Commission for final review and signature within 20 working days.
9. County Commission signs and approves the supplemental written findings of fact conclusions of law and order. Planner sends a signed copy to the subdivider.
10. Subdivider has specified number of years to complete improvements in the applicable phase approved and apply for final plat approval.

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GALLATIN COUNTY

Phased Subdivision Preliminary Plat Notice Of Commencement Application

1. Subdivision Name: Sierra Vista Subdivision

2. Subdivision Phase(s): Phase 1

3. Subdivision Type:

- First Minor Subdivision from a Tract of Record (Substantiated)
- Second or Subsequent Minor Subdivision From a Tract of Record
- Major Subdivision

4. Project Size: 21.01 acres Density (units/acre): 2.86 units/acre

5. Type of Subdivision:

- Single-Family Number of Lots: 60
- Multi-Family Number of Lots: _____ Number of Units: _____
- Commercial/Industrial Number of Lots: _____
- RV Park Number of Spaces: _____
- Mobile Home Park Number of Spaces: _____
- Mobile Home Subdivision Number of Lots: _____
- Other: Also has some Utility Lots for stormwater and/or future water infrastructure

6. Condominium: Yes No Number of Lots: _____ Number of Units: _____

7. DOR #: 06 0798 17 4 02 25 0000
(4) (2) (1) (2) (2) (4)

8. Project Location (Legal): C.O.S.22B, Parcel 3A, Section 17, T2S, R5E, a.k.a. Sierra Vista Subdivision Phase 1
Gallatin County, Montana

9. Project Location (Common): Located approximately 1/2-mile south and 1/4-mile west of the intersection of Huffine Lane and Gooch Hill Road, south of the Falcon Hollow Subdivision (south of Talon Way).

10. Project Description: Phase 1 of the recently approved Sierra Vista Major Subdivision. Full subdivision consists of 100 single-family residential lots. Phase 1 contains the first 60 single-family lots.

11. Current Land Use: Agricultural / Vacant

12. Zoning District: Gallatin County / Bozeman Area Zoning Designation: RX-MD (Medium Density Residential)

13. Fire District: Hyalite Rural Fire District School District: Bozeman

14. Property Owner Name: Cloverleaf Land and Development, LLC

Address: 25 Apex Drive, Unit B

City: Bozeman State: MT Zip: 59718

Phone: 406-586-2881 Email: d1m@d1mcontractinginc.com

15. Applicant Name: Cloverleaf Land and Development, LLC

Address: 25 Apex Drive, Unit B

City: Bozeman State: MT Zip: 59718

Phone: 406-586-2881 Email: d1m@d1mcontractinginc.com

16. Preparer/Agent Name: Allied Engineering Services, Inc., Brock Athman, PE

Address: 32 Discovery Drive

City: Bozeman State: MT Zip: 59718

Phone: 406-586-0221 Email: bathman@alliedengineering.com

17. Surveyor/Engineer: Allied Engineering Services, Inc., Greg Finck, PLS

Address: 32 Discovery Drive

City: Bozeman State: MT Zip: 59718

Phone: 406-586-0221 Email: gfinck@alliedengineering.com

18. A commencement submittal must include specific topics and materials. Please refer to the Gallatin County Subdivision Regulations Section ~~13.B~~ for the specific requirements. Any item considered “non-applicable” must be explained in a narrative and any supporting information included. Only applications containing all requirements will be accepted for processing.

12.B

19. The Certified List of Adjacent Property Owners shall be prepared as follows:



- Prepare a certified list of the names, mailing addresses, and legal descriptions of each of the property owners adjacent to the affected property(s). “Adjacent” property owners include owners of parcels across public roads, streets, alleys, watercourses and other public ways, and the Montana Department of Transportation if the site is adjacent to a state highway.
- Mailing Labels. Prepare three sets of mailing labels for each adjoining property owner.*
- Please provide labels smaller than 1" x 2-5/8" (similar to Avery 5160 or 30 per sheet) so that they are the proper size for the certified mail.

*If the application is for a first minor subdivision only one set of labels is required and no certified mail fee is included.

20. Provide a single PDF of the complete application and supporting materials.

21. Satisfactory completion of review by the Planning Staff is written confirmation to the Applicant that the application submittal contains the requirements of the Subdivision Regulations pursuant to Section 76-3-608(3), MCA.

I (We) hereby certify that the above information is true and correct to the best of my (our) knowledge.

 _____ Applicant's Signature	RAYMOND B. LEWIS, MEMBER CLOVERLEAF LAND AND DEVELOPMENT, LLC _____ Date
 _____ Property Owner's Signature	RAYMOND B. LEWIS, MEMBER CLOVERLEAF LAND AND DEVELOPMENT, LLC _____ Date

If property has multiple owners, please inquire with Planning Department for required signature(s).

DEPARTMENT USE ONLY	
Elements Reviewed	
Date _____	Sufficiency Deadline Date _____
Tentative Planning _____	Tentative County _____
Board Public Hearing _____	Commission Public _____
Date _____	Hearing Date _____
_____	_____
<i>Planning Staff Signature</i>	<i>Date</i>

SUBDIVISION APPLICATION FEE SCHEDULE 2021

Type of Application	Planning Department	Certified	Fire Protection
	Fee	Mail Fee ²	Review Fee
PRE-APPLICATION			
Pre-application Review – Major, Minor, Subsequent Minor	\$540		\$100
PRELIMINARY PLAT			
Preliminary Plat Review – First Minor	\$1,350		\$300
Preliminary Plat Review – Major or Subsequent Minor	\$3600 + \$90 per unit	required	\$500 + \$10 per unit ¹
Phased Subdivision - master plan review (in addition to preliminary plat review fees)	\$900		
Phased Subdivision - phase commencement review	\$1,350	required	\$300
Variance – Subdivision (per variance)	\$540	required ³	
Subdivision PUD (in addition to preliminary plat review fees)	\$540 + \$180 per waiver		
Extension of Preliminary Plat Approval	\$400		
Change of Preliminary Plat Conditions – Simple	\$400	required	\$200

ADMINISTRATIVE FEES 2021	
Request for Administrative Determination (zoning, subdivision, etc.)	\$400
Appeal (zoning, subdivision, floodplain, etc.)	\$400
Noticing Fee (when necessary to re-notice due to action by applicant)	\$40
Certified Mail	\$9 per address
Copies & Scans	\$0.25 per page

Sierra Vista Subdivision has 27 unique adjacent property owners

Appendix 3

Phased Development Plan & Map

- Phased Development Plan – Update
- Phasing Map (original from Prelim Plat App)

SIERRA VISTA SUBDIVISION: PHASED DEVELOPMENT PLAN & PHASE 1 REQUEST FOR COMMENCEMENT PLAN



Sierra Vista Major Subdivision

Gallatin County, Montana

updated May 2023 for Phase 1 Commencement Application

Enclosed herein is a Phased Development Plan, which has been updated from the original that was included with the Preliminary Plat, which was approved by the County Commission and signed on January 3, 2023. The platting of Sierra Vista is still anticipated to occur in more than one phase. Specifically, the phasing is a result of a request by the District Manager for the RAE Subdivision County Water & Sewer District to avoid having all 100 planned residential lots coming online simultaneously. Thus, the subdivider is proposing two phases. The following phasing information is provided in accordance with Section 5.C.40 of the Gallatin County Subdivision Regulations and is herein updated in conjunction with the Phase 1 Commencement Application.

A. Total number of phases and identification of each phase:

We still anticipate infrastructure installation and platting of Sierra Vista to occur in two (2) phases. Included in this appendix, please find sheet C0-1 Subdivision Map & Phasing Plan indicating the proposed phasing.

B. Sequence and date of completion of each phase:

The Preliminary Plat application for the entire Sierra Vista Subdivision was approved by the Gallatin County Commission and signed on January 3, 2023. This submittal is for the Commencement of Phase 1. Construction is anticipated to begin shortly after receiving MDEQ/GCCHD approval, the review of which is underway.

Sequencing is intended to proceed directly from Phase 1 to Phase 2. However, timing will be primarily market driven and in accordance with that allowed by the RAE Water and Sewer District which is in the process of planning their own improvements. It is currently estimated that Phase 1 infrastructure construction will begin in the Summer of 2023 with Final Platting of Phase 1 upon the completion of construction improvements, perhaps late 2023 or early 2024. It is anticipated that Phase 2 may proceed with permitting and approval in 2024/2025 with Construction and Final Platting in 2025.

C. Description of improvements to be complete with each phase:

Each phase of the Sierra Vista subdivision is designed to stand-alone from an infrastructure standpoint. Therefore, the road (and sidewalks), water distribution, sewer collection, and storm infrastructure contained within the bounds of Phase 1 will be constructed with Phase 1, and likewise with Phase 2.

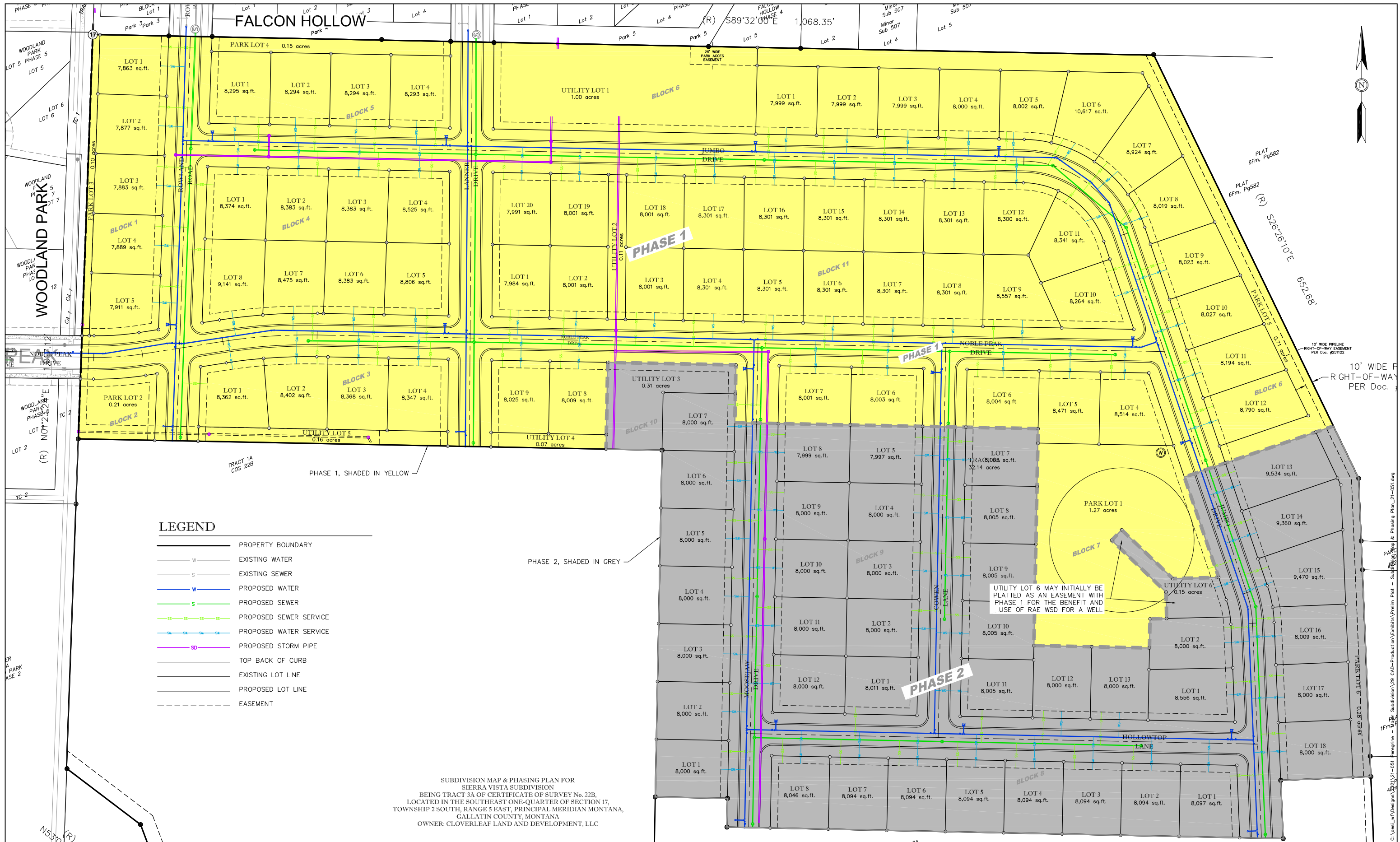
All connections to existing adjoining roads will be completed in Phase 1, with roads extended to the phase boundary such that Phase 2 will connect to the Phase 1 roads. As indicated in the correspondence with the Fire Chief for the Hyalite Fire District, dead-ends created by the phase boundary are short enough that the nearby intersections will suffice as T-turnarounds, thus no additional temporary vehicle turnarounds are anticipated.

All infrastructure in Phase 1 has been sized appropriately for consideration of Phase 2 connections and specifically the stormwater infrastructure has been sized for all phases.

D. Schedule identifying when the Subdivision plans to submit for review each phase of the development:

Estimated Schedule:

Phase	Task	Current Anticipated Date(s)
Phase 1	Preliminary Plat & Phase 1 Request	Approval Signed January, 2023
Phase 1	Phase 1 Commencement Request	Spring 2023
Phase 1	MDEQ & GCCHD Permitting	Review underway. Approval anticipated Summer 2023
Phase 1	Construction	Anticipated start Summer 2023
Phase 1	Final Plat	2023/2024
Phase 2	Phase 2 Request to Proceed	Earliest Anticipated: late 2024
Phase 2	MDEQ & GCCHD Permitting	Earliest Anticipated: 2024
Phase 2	Construction	Earliest Anticipated: 2024/2025
Phase 2	Final Plat	Earliest Anticipated: 2024/2025



LEGEND

- PROPERTY BOUNDARY
- W — EXISTING WATER
- S — EXISTING SEWER
- W — PROPOSED WATER
- S — PROPOSED SEWER
- S — PROPOSED SEWER SERVICE
- W — PROPOSED WATER SERVICE
- S — PROPOSED STORM PIPE
- TOP BACK OF CURB
- EXISTING LOT LINE
- PROPOSED LOT LINE
- - - EASEMENT

SUBDIVISION MAP & PHASING PLAN FOR
 SIERRA VISTA SUBDIVISION
 BEING TRACT 3A OF CERTIFICATE OF SURVEY No. 22B,
 LOCATED IN THE SOUTHEAST ONE-QUARTER OF SECTION 17,
 TOWNSHIP 2 SOUTH, RANGE 5 EAST, PRINCIPAL MERIDIAN MONTANA,
 GALLATIN COUNTY, MONTANA
 OWNER: CLOVERLEAF LAND AND DEVELOPMENT, LLC

**SIERRA VISTA SUBDIVISION
 SUBDIVISION MAP & PHASING PLAN
 GALLATIN COUNTY, MT**

32 DISCOVERY DRIVE
 BOZEMAN, MT 59718
 PHONE (406) 582-0221
 FAX (406) 582-5770
 www.alliedengineering.com

**Civil Engineering
 Geotechnical Engineering
 Land Surveying**



PROJECT #: 21-051
 DATE: 02/25/2022

SHEET
C0-1

SIERRA VISTA
 MAP & PHASING

NO.	REVISIONS	DRAWN BY	DATE

<p>SCALE (FEET)</p>	
PROJECT ENGINEER:	DRAWN BY: BDA
DESIGNED BY:	REVIEWED BY:

C:\Users\w\Design\2021\21-051\Perigine - Tract 3A\Subdivision\29 CAD-Production\Exhibits\Final Plat - Subdiv Map & Phasing Plan_21-051.dwg

Appendix 4

E.A.

- Summary of Updates
- Environmental Assessment (original from Prelim Plat App)
- Summary of Probable Impacts (original from Prelim Plat App)
- Community Impacts Report (original from Prelim Plat App)



Summary of Updates

Sierra Vista Major Subdivision
Gallatin County, Montana

Phase 1 Commencement App

Introduction

The Sierra Vista Subdivision was reviewed and approved by the Gallatin County Commission, with approval signature dated January 3, 2023. This application is for the Phase 1 Commencement. Attached herein are the Environmental Assessment, Summary of Probable Impacts, and Community Impact Report, as they were originally presented for the Preliminary Plat review and approval. As such, the verbiage is such that the subdivision/preliminary plat was proposed whereas now it is approved. Given the recency of Preliminary Plat approval, we are not aware of any items within these reports that has changed such that a modification to the original reports would be needed. Thus, they are presented in their original condition herein. Due to some items changing from proposed/anticipated to now being completed, we provide a few notes and comments below to supplement or clarify the reports.

References to appendices and sections are references to the original Preliminary Plat application appendices and sections nomenclature. These appendices have not been duplicated herein as there has been no change from the time of Preliminary Plat to the content thereof.

Environmental Assessment

Pages 1, 3: As indicated in the narrative, the existing irrigation ditch that traversed the site was intended to be piped and re-routed in accordance with the agreement reached between the water user and the landowner/developer. This irrigation piping work has been completed in preparation for the upcoming agricultural/irrigation season. The original documentation of the water user agreement was included in the Preliminary Plat application.

Page 4: references a pending MDEQ submittal, that submittal is now in review by MDEQ.

Summary of Probable Impacts

Page 9: As noted above, the irrigation ditch piping and re-routing mentioned in the Summary of Probable Impacts original narrative as upcoming/intended has now been completed in accordance with the original documentation of agreement between the water user and landowner/developer that was included in the Preliminary Plat application.

Community Impact Report

Page 17-18: Annexation into the RAE Water & Sewer District has now been completed.

Page 17: The water distribution, sanitary sewer collection, and stormwater plans are currently under review by MDEQ.

Please see the enclosed for the original Environmental Assessment, Summary of Probable Impacts, and Community Impact Reports.

P:\2021\21-051 Peregrine - Major Subdivision\04 Permitting & Entitlements\05 County Subdivision Phase Commencement - Ph1\4..E.A. & Community Impact Report\21-051 Phase 1 Application - Notes and Updates.docx

ENVIRONMENTAL ASSESSMENT

Sierra Vista Major Subdivision
Gallatin County, Montana
February 2022



INTRODUCTION

This report presents Allied Engineering's Environmental Assessment for Sierra Vista Subdivision on behalf of Cloverleaf Land and Development, LLC. The proposed project is located 0.6 miles southwest of the intersection of Gooch Hill Road and Huffine Lane. The subject property sits at the southern terminus of Rowland Road and Lanner Drive, and the eastern terminus of Noble Peak Drive. The legal description of the approximate 32-acre development is Tract 3A of C.O.S. 22B located in Section 17, Township 2S, Range 5E, Principal Meridian Montana, Gallatin County, Montana.

The proposed Sierra Vista Subdivision consists of 100 residential lots, intended for single-family residences. Phase 1 is proposed to consist of 60 residential lots, with the remaining 40 lots to be a future phase. The anticipated roadway infrastructure will connect to the Falcon Hollow Subdivision (to the north) via extensions of Rowland Road and Lanner Drive and to the Woodland Park Subdivision (to the west) via Noble Peak Drive. The recently completed boundary realignment (C.O.S. 22B) allows the Sierra Vista subdivision to remain north of a projected extension of Elk Lane. Thus, future discussions of Elk Lane / Stucky Lane extensions/connections can be held when the re-aligned Tract 2A comes forward for development; but will not be required as part of the currently proposed Sierra Vista development on Tract 3A.

Water distribution and sanitary sewer collection infrastructure is proposed to connect to the RAE Subdivision County Water & Sewer District #313 via connections to existing stubs to Falcon Hollow (to the north) and Woodland Park (to the west). The RAE Water & Sewer District has indicated that they have capacity for all 100-lots but have requested the phasing such that the first phase only include 60-lots and the remaining 40-lots be included in a second phase. Stormwater collection and conveyance will be directed to on-site ponds such that stormwater releases from the project site will not exceed pre-development flows.

There is one existing irrigation ditch that traverses the subject property. During the development of the adjacent Falcon Hollow Subdivision, and earlier phases of the Woodland Park Subdivision, coordination with the end-user of this ditch was undertaken to re-align the ditch and pipe it along the boundary. We have engaged in communication with this water user again and have coordinated a realignment, piping, and protection within a dedicated easement/setback (consistent in size with the adjacent subdivision). A copy of the documentation submitted to the water user and the signed response agreement is included with the Preliminary Plat application.

The subject property is within the Hyalite Rural Fire District. The water distribution system (served by the RAE Water & Sewer District) will include fire hydrants at all intersections and at spacing required by MDEQ and/or the Fire District. Additionally, it is anticipated that all structures that exceed 3,600-square feet or exceed 35-ft in height will be required to include fire protection sprinkler systems. A response from the Hyalite Rural Fire District has been included as part of this report indicating concurrence with this intended plan.

Enclosed is the Environmental Assessment Report as part of the Preliminary Plat Application and associated appendices.

ENVIRONMENTAL DESCRIPTION

1. SURFACE WATER

a. Mapping

See Appendix B – Vicinity Maps for a map of the surface waters described below.

b. Description

The following known water features either traverse the subject property or are in the vicinity of the project area:

- Irrigation Ditch from Farmer’s Canal: As shown on the attached maps, there is an irrigation ditch that flows northwesterly (at an angle) through the northwestern portion of Tract 3A. This ditch is in the process of being moved/realigned along the new edge of the recently completed Boundary Realignment for the benefit of the agricultural water user. The ditch realignment benefits the subject property in its current use (agricultural) by moving to the boundary and being out of the way for agricultural operations. It is also beneficial for the proposed use (subdivision) in that the new location will be protected from residential lots. The ditch realignment traverses the boundary of the subject property, utilizing a CMP pipe to protect the flow from potential impacts, and establishes a 20-foot-wide non-interference setback easement (approximately 10-feet on either side of the ditch). All proposed plans for the ditch are consistent with the 2014/2015 development of the Falcon Hollow Subdivision adjacent to this project. The end user of the ditch, Dan Triemstra, has agreed that the intended ditch piping will provide sufficient volume and has confirmed his agreement with the ditch realignment and easement/setback.
- Farmer’s Canal: Bordering the southern edge of Tract 2A (the tract immediately south of the subject property), there is a ditch, referred to as Farmer’s Canal, that flows northeasterly from Hyalite Creek. There are no intended impacts to Farmer’s Canal as part of the proposed Sierra Vista Subdivision and given the separation of the proposed project (Tract 3A) from the Famer’s Canal, there are also no impacts anticipated.

c. Water Body Alteration

There are no existing or proposed streambank or shoreline alterations as part of the proposed Sierra Vista Subdivision.

d. Wetlands

A Wetland Delineation was prepared by Sundog Ecological Inc. for Allied Engineering Services, Inc. with standard practices outlined in the 1987 Army Corps of Engineers (ACOE) Wetland Delineation Manual and by Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Western Mountains, Valleys, and Coast – Version 2.0. The investigation concluded that there was one wetland and one upland

identified and delineated within the project boundaries. Per Sundog's Report (found in Appendix L), the wetland found and delineated represents a palustrine emergent wetland. The observed wetland is associated with the fringes of the seasonal irrigation ditch on the property (discussed in Item B of this Section) and totals less than 0.10 acres in size and therefore does not require any mitigation. In accordance with an agreement between the property owners and the irrigation ditch user (discussed in more detail later in this report), the private seasonal irrigation ditch will be piped and re-routed to follow the subject property boundary. Re-routing the irrigation ditch via a pipe network will minimize erosion and sedimentation in the existing ditch. A permit application has been submitted for disturbance of this small amount of wetlands in conjunction with the irrigation piping.

2. GROUNDWATER

a. *Depth*

Available groundwater information near the proposed development is comprised of nearby GWIC well logs, limited groundwater monitoring on a nearby project, and NRCS Soils Data information (attached In Appendix D). All relevant data suggests that groundwater levels vary from approximately 4.0 feet to 24.0 feet below ground surface with peak season between the months of May and August. With that, we anticipate there may be some dewatering needed during the construction process but do not anticipate any ongoing problems with the development. Due to the potential for seasonal high groundwater, basements will be prohibited. The developer has stated their intention to include language prohibiting basements within the Covenants.

b. *Steps to Avoid Degradation*

For wastewater and domestic water supply, the applicant intends to connect to the RAE Water and Sewer District and has received a will-serve letter (included in Appendix I). With this connection and a corresponding Montana Department of Environmental Quality approval (submittal included in Appendix Q), the groundwater is not expected to be negatively impacted or degraded.

3. GEOLOGY – SOILS – SLOPES

a. *Geologic Hazards*

Development in rural areas has the potential for natural hazards to occur. For this project, there are no known specific hazards associated with landslides, rockslides, seismic activity, or excessive slopes. Based on our experience in the area, we anticipate foundation bearing for single family homes to be on gravel subgrade however there is always a potential for collapsible or expansive soils to exist.

Based on the available maps, there are minimal risks of wildfire and flooding (see Appendix D for supporting documents). Specifically, according to the Wildland Urban Interface Map (as used via the Gallatin County Interactive Mapper), the proposed

development site is not part of the Wildland Urban Interface. Additionally, the proposed development site is in Zone D of the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) which indicates a flood hazard that is undetermined, but possible. The FIRM Panel for this site is noted as 30031C0792D which is unavailable from Gallatin County and the FEMA site. Based on our correspondence with the Department of Planning and Community Development, we understand that no flood study or flood hazard evaluation are required for the project based on the drainage area of the subject water courses.

The subject property has been identified by the Montana Department of Natural Resources and Conservation as being inundated with floodwaters in the event the Hyalite/Middle Creek Dam fails, as is much of the Gallatin County area. Montana DNRC and HDR studied the possibility of a dam breach at the Hyalite Reservoir south of Bozeman. An excerpt of their report, "Middle Creek (Hyalite) Dam," *MT DNRC Dam Breach, Breach Analyses, Inundation Mapping, and Loss of Life Determination, Middle Creek, June 19, 2017*, is included in Appendix D of this report. A full copy of the report can be provided upon request. As part of this Environmental Assessment, we reviewed the inundation maps as they pertain to the project site for the proposed Sierra Vista Subdivision. The following includes basic information and conclusions for the proposed development site.

It is important to note that a dam breach at Hyalite Reservoir is unlikely and would represent a widespread emergency and loss of life for much of the county, including inundation of the Four Corners area and the entire City of Belgrade. The risks associated with the failure of Hyalite Dam are extremely low and special design considerations or restrictions for the subject property are not necessary or required. The dam was designed to withstand hydrologic events having extremely low probability of recurrence intervals, since dam failure would likely result in loss of life.

According to the Middle Creek Dam Breach Analysis (2017), the property is subject to the potential of being affected by a breach of Middle Creek Dam. The report presents methodology and results of the dam breach analysis, performed for the DNRC. According to inundation maps, the project site is located between two known inundation points. Of the two inundation points, the more conservative is that for Middle Creek at Blackwood Road. The travel time from the 2017 dam breach analysis is approximately 1 hour and 47 minutes. The travel time to peak elevation is approximately 1 hour 52 minutes. According to Table 7-5 of the 2017 Analysis, the warning is considered "adequate" for the project area. This would still provide for a short period of time to initiate evacuation efforts.

b. Protective Measures

As a protective measure against potential geologic hazards, a site-specific geotechnical report could be elected to be completed for each of the lots by the individual home builder/owners in conjunction with home construction. This would allow for an engineer

to evaluate the potential for collapsible or expansive soils and recommend a solution if needed.

Standard building practices shall be used meeting state building code and no basements shall be constructed as previously mentioned. A note can be provided on the final plat regarding the potential risk for a Hyalite Dam Breach.

c. Unusual Features

There are no unusual features which limit the capacity for building or excavation using ordinary and reasonable construction techniques and practices.

d. Soils Map

A custom soils report and corresponding maps are included in Appendix D.

e. Cuts and Fills

There should not be a need for excessive cuts and fills as part of this development. The topography is relatively flat, and all homes should be designed in a manner that fits the individual lot, matches the top back of curb of the adjacent roads, and adheres to Building Code requirements for slope away from buildings.

4. VEGETATION

a. Vegetation Map

As part of the Weed Management Plan, the site was assessed for major vegetation types. Currently, the property is agricultural and is cultivated with wheat. The cultivated interior is free of noxious weeds while there were noted weeds on the north, east, and west margins as well as along the ditch that traverses the property. Weeds on the site consist of Canada thistle, oxeye daisy, field bindweed, thistle, hoary alyssum, and non-noxious mustards and kochia. It was noted that the property has been well managed for weeds in the past and a Weed Management Plan has been established. See Appendix G for the Weed Management Plan developed by Mark Nichols of 406 Weeds.

b. Protective Measures

No protective measures have been or need to be established within the proposed subdivision as there are no trees or critical plant communities to preserve. As previously mentioned, the Weed Management Plan is included in Appendix G for mitigating noxious weeds in the area.

5. WILDLIFE

a. Species

Montana Fish, Wildlife, and Parks (FWP) were contacted as part of the agency contact step in the subdivision process (see Appendix I). FWP responded that there were no comments at this time. According to the United States Fish and Wildlife Service (USFWS) Planning and Conservation Database, Canada Lynx and grizzly bear are threatened

species in the proposed development area. However, given the active agricultural usage of the site, there are no known habitats for such animals in the proposed project area therefore the development is not expected to impact either species.

b. Critical Areas

While there are no areas or habitats for threatened and endangered species, one wetland type and one upland type were identified within the project boundary totaling less than 0.10 acres. Per the Wetland Delineation Report by Sundog Ecological Inc., the wetland areas are limited to a narrow fringe bordering the existing irrigation ditch and were classified as palustrine emergent wetlands and no mitigation is required. The entirety of the report is included in Appendix L.

c. Protective Measures

To reiterate, FWP was contacted as part of the agency contact step in the subdivision process. Based on their response that there are “no comments at this time,” we do not anticipate any impacts to wildlife with the development of the Sierra Vista Subdivision. Therefore, no protective measures are being implemented. See Appendix I for the response from FWP.

6. HISTORICAL FEATURES

a. Affected Areas

Per our correspondence with the Montana Historical Society, the Farmers Canal - located south of the extents of the proposed development – is a designated historic entity. Since the Farmers Canal is located outside the proposed development area, we conclude there are no historical features affected. Correspondence with the Montana Historical Society is included in Appendix I.

b. Protective Measures

Due to the lack of affected areas, there are no protective measures to implement.

7. VISUAL IMPACT

a. Measures

All reasonable and appropriate measures will be taken to visually blend the proposed development with the surrounding developed areas. The zoning for the subject property is consistent with that of adjacent properties and the requirements therein will be followed. Road layout includes extensions of existing infrastructure and design which will help blend the proposed development with the existing developments to the north and west. Additionally, the developers plan to establish similar covenants with respect to design guidelines, park layouts, and earthwork as some of the adjacent subdivisions for overall cohesion with the surrounding area.

SUMMARY OF PROBABLE IMPACTS

1. EFFECTS ON AGRICULTURE AND AGRICULTURAL WATER USER FACILITIES

a. Number of Acres in Production and Type of Production

In previous years, the 32.14-acre subject property has been used for agricultural purposes and cultivated with wheat. As part of the proposed subdivision, 100 single family lots will be created with 60 lots in the first phase and the remainder of lots in a future phase.

b. Productivity of the Land

For at least three decades, the subject property has been irrigated and farmed so the conclusion can be made that at a minimum, the productivity of the land can be described as fair to good depending on the existing irrigation measures and availability of adequate rainfall.

c. Whether or not the Property is Part of a Viable Farm Unit

Based on available information, we believe the property is or was previously part of a larger farming unit that has subsequently been divided and developed (for example Falcon Hollow, Falcon Heights, Gooch Hill Meadows, and Woodland Park Subdivisions). Per the Gooch Hill West Neighborhood Plan, Goal 3.15 is to “preserve productive farms and ranch lands” while the Policy further explains to “promote development adjacent to or within cities, unincorporated communities, and other areas planned for such development where public facilities and infrastructure are available and away from areas used exclusively for agriculture.” We believe that because the proposed Sierra Vista Subdivision is adjacent to residentially developed land complete with infrastructure, the proposed development follows the policy outlined in a safe and cost-effective manner.

d. Agricultural Operations and Other Uses of Land in the General Locality

The adjacent land uses consist of agricultural, rural residential, vacant rural, and commercial (nearby businesses).

e. Measures Taken to Control Family Pets

Family pets shall be controlled in accordance with Gallatin County Dog Control Ordinances, Montana Code Annotated 87-3-124, and all other applicable laws, ordinances, and regulations. These requirements will be included in the covenants.

f. Fencing of Agricultural Land

There are some existing fences that border the subject property for the proposed Sierra Vista Subdivision. Additionally, as part of the recent boundary realignment agreement with the neighboring property owner (to the south-west), a fence will be constructed between the Sierra Vista development and Tract 1A. The proposed development is not expected to impact any offsite fences or those owned by entities other than the

underlying property owner. Future fences could be allowed within the subdivision based on the subdivision covenants, which is consistent with similar developments in the area.

2. EFFECTS ON AGRICULTURAL WATER USER FACILITIES

a. Type, Description, Ownership, and Users of Facilities

As shown on the attached maps, there is an irrigation ditch that flows northwesterly (at an angle) through the northwestern portion of Tract 3A. This ditch is in the process of being moved/realigned along the new edge of the recently completed Boundary Realignment for the benefit of the agricultural water user. The ditch realignment benefits the subject property in its current use (agricultural) by moving to the boundary and being out of the way for agricultural operations. It is also beneficial for the proposed use (subdivision) in that the new location will be protected from residential lots. The ditch realignment traverses the boundary of the subject property, utilizing a CMP pipe to protect the flow from potential impacts, and establishes a 20-foot-wide non-interference setback easement (approximately 10-feet on either side of the ditch). All proposed plans for the ditch are consistent with the 2014/2015 development of the Falcon Hollow Subdivision adjacent to this project. The owner end user of the ditch, Dan Triemstra, has agreed that the pipe network will provide sufficient volume and has confirmed his agreement with the ditch realignment and setback and that such improvements will have no impact on the continued use of his ditch.

b. Conflicts the Subdivision May Create with Agricultural Water User Facilities and Water Conveyance Facilities

The existing water conveyance facility will be protected via easement and piped to protect the flow from infiltration losses. All subdivision stormwater will be managed and treated on-site through the use of curb and gutter, inlets, and appropriately sized stormwater ponds in accordance with MDEQ requirements (see Appendix Q).

c. Possible Nuisance Problems which the Subdivision May Generate with Regard to Agricultural Water User Facilities and Water Conveyance Facilities

The existing water conveyance facilities will be protected via easement. The use of on-site appropriately sized stormwater ponds will manage the subdivision stormwater flow that historically makes its way to the existing agricultural ditch.

d. Comments from the Water Users and/or Water Conveyance Facility's Authorized Representatives.

A letter summarizing discussions and proposed and previous improvements with the ditch owner (Dan Triemstra) was sent to Mr. Triemstra. Mr. Triemstra signed the bottom of the letter indicating his concurrence. The letter and agreement are attached in Appendix M.

e. Further Discussion

The subdivision covenants advise homeowners that there are adjacent agricultural activities and that landowners are responsible for noxious weed control of their property. No problems are anticipated with the proximity of this development to agricultural users.

3. EFFECTS ON LOCAL SERVICES

a. Water Supply and Sewage Disposal

There are no existing homes or structures on the subject property for proposed development. As part of the proposal for the 100-Lot Major Subdivision, each lot is anticipated to be served by water supply and sewage disposal connecting to the RAE Water and Sewer District (WSD) nearby. The RAE WSD has already issued a will-serve letter stating that they have sufficient water supply (flow capacity and water rights) and wastewater capacity for all 100 lots.

b. Law Enforcement and Fire Protection Services

The Gallatin County Sheriff's Department and the Hyalite Fire District were contacted as part of the planning phase of this development. The Sheriff's Department has not responded but based on previous correspondence on adjacent and similar projects, we understand they are obligated to protect and serve the citizens of Gallatin County and would appreciate any support when they attempt to request additional personnel either through the County Commission or directly from the public. Based on a distance of 4.0 miles to the Gallatin County Sheriff's Office (at the Law and Justice Center) and an estimated speed of 35 miles per hour, we calculate the anticipated response time to be approximately seven minutes.

The subject property is within the Hyalite Fire District. The proposed plans for fire protection includes RAE WSD public water supplied fire hydrants at all intersections (and additionally spaced per MDEQ Requirement and as requested by the fire chief), fire suppression sprinklers for residences exceeding 3,600 square feet or 35-ft in height, and utilization of the existing street network to serve as T-turnarounds for each of the short dead-end stubs resulting from phase and overall subdivision property lines. The anticipated response time from the Hyalite Fire District (Rae Fire Station) is between three and five minutes.

c. Upgrading Off-Site Public Roads and Annual Road Maintenance

All internal subdivision roads will be designed and constructed to Gallatin County standards (see Appendix R), with modifications as required due to specific conditions. Upon construction and acceptance, the internal subdivision roads will be dedicated to the public, or within a designated public access and utility easement, and maintained by the homeowners' association. This development will be subject to current County Road impact fees to contribute to the overall maintenance of county roads, and the plat will include the standard language waiving the right to protest the creation of future RID or similar funding districts.

d. *Provision of Educational Services*

The Bozeman Public Schools (#7) was contacted to request comments regarding the proposed development. The district indicated that they would be able to accommodate the additional students generated by the subdivision and population growth and demographic shifts in the future may necessitate boundary realignments to existing schools. The district also indicated that infrastructure, such as sidewalks, should be constructed for the entire project to provide students with a safe route to school.

The first proposed phase of the subdivision (including the creation of 60 single family residential lots) could generate the following students:

- 14 students in grades Pre-K to 5th,
- 7 students in grades 6th to 8th, and
- 9 students in grades 9th to 12th.

For the subsequent future phase (including the creation of 40 single family residential lots) the following numbers of students could be generated:

- 9 students in grades Pre-K to 5th,
- 5 students in grades 6th to 8th, and
- 6 students in grades 9th through 12th.

The district also notes that the existing bus system can accommodate the estimated number of additional students (see Appendix I for detailed response).

The Developer is proposing sidewalks on both sides of every new subdivision street. Consistent with previous adjacent development, sidewalk construction in front of individual residential lots will be bonded and included in an Improvements Agreement to be completed at the time of home construction.

e. *Current Property Taxes and Projected Developed Property Taxes*

Property taxes will increase with the improvements associated with the proposed development relative to the current classification and configuration of the underlying subject properties. The Taxation section of the Community Impact Report includes a detailed analysis of current and anticipated tax revenues. The Montana Department of Revenue estimated the following 2022 general taxes:

- | | |
|--|-----------|
| 1. Estimated taxes predevelopment (Non-Qualified Agriculture) | \$1,779 |
| 2. Estimated taxes after subdivision (All lots have sold) | \$152,515 |
| 3. Estimated taxes when fully built-out (Assuming a \$300,000 home on all 100 lots in the subdivision) | |
| | \$557,515 |

It should be noted that the tax estimation provided by the Montana Department of Revenue was an estimate and actual tax revenue may vary. See attached letter, dated December 13, 2021, in Appendix I of this report.

f. Provision of Utilities and Easements

We contacted Northwestern Energy, Lumen (formerly Century Link), Montana Opticom, and Charter regarding servicing utilities for the proposed subdivision. Northwestern Energy (NWE) is planning to provide the subdivision with gas and electric via existing stubs. NWE commented that all gas and electric will need to be installed within a 10-foot easement fronting the street side of the proposed lots typically in the form of a 10-foot easement along the lot side of the sidewalk along all streets. Lumen and Charter have similarly expressed agreement with the standard 10-ft easement along the edge of the street Right-of-Way.

Regarding communication services, Montana Opticom has not responded to multiple requests but based on their nearby services, we anticipate they will be able to service the subdivision. Charter plans to provide service assuming there will be joint trench opportunities with Northwestern Energy. Finally, Lumen has indicated that they can service the development however there may be a developer contribution required to extend their facilities (see Appendix I for utility service provider correspondence).

4. EFFECT ON THE NATURAL ENVIRONMENT

a. Road Drainage and Erosion

Stormwater generated by the development will be managed within the property boundaries. Road drainage will be collected and conveyed via valley gutters throughout the development. Post development stormwater will be directed to appropriately sized stormwater ponds such that the stormwater flow leaving the subdivision is less than or equal to the pre-development flow, in accordance with MDEQ regulations. A stormwater pollution prevention plan (SWPPP) will be implemented and will remain in effect during the construction phase of this project until disturbed soils are properly stabilized.

b. Terrain and Surface Runoff Effects

The proposed development conforms with the existing topography and does not create steep slopes or concentrated flows of stormwater. Stormwater run-on will be allowed to pass through the development, and post development generated stormwater will be directed to appropriately sized stormwater ponds within the subdivision boundaries. The project will be designed such that post-development stormwater runoff satisfies the pre-development run-off rates and volumes, per standards set forth by the Montana Department of Environmental Quality (MDEQ). Thus, stormwater and snowmelt will continue to make its way into existing water conveyance facilities post-development but will only do so at a rate and volume consistent with that allowed by regulations.

c. *Grading and Drainage Plan*

A grading and drainage plan will be provided for review, which will indicate localized high and low points, street grades, and areas of stormwater swales and ponds. The grading and drainage plan will be integrated into the utility design, SWPPP, and final stormwater management plan. Ultimately, the stormwater plan and design will be submitted to MDEQ as part of the Subdivision Application for their review.

d. *Effects on Native Vegetation, Soils, Quality, or Quantity of Surface or Ground Waters*

The site is an agricultural field, which in its historical use has been tilled, seeded, harvested, etc. over the years with significant disruption to the vegetation. For the proposed project, except for the anticipated disruption from excavation, infrastructure construction, home construction, and future landscaping, we do not anticipate additional impacts beyond what historically occurred during farming to the native vegetation, soils, quality, or quantity of surface or groundwaters. The proposed development does not anticipate negative impacts to the surrounding natural environment.

e. *Weed Control*

A Noxious Weed Management and Revegetation Plan for the development is included in Appendix G of this report. The developer has contracted with 406 Weeds for the management of noxious weeds.

f. *Light Pollution*

This project has not proposed any street lighting or other subdivision lighting. Individual lot lighting may be allowed and is anticipated to be consistent with the adjacent development. Individual lot lighting is subject to the exterior lighting requirements found in the zoning regulations through the land-use permitting process.

g. *Compliance with County Plans for Parks, Recreation, Open Space, and Trails*

The subdivision is proposing to create 2.72 acres of parkland for 20.69 acres worth of lots (residential and utility) for the overall Sierra Vista Subdivision that is 32.14 acres in size. This amount of designated parkland exceeds the Subdivision Regulations required parkland of 2.24 acres (11% parkland for lots less than 0.5 acres and 7.5% parkland for lots 0.5 to 1.0 acres). See Appendix E for Park Area Calculations. To provide cohesion with adjacent subdivision's park space, there is a 25-foot-wide park on the north side of the development that adjoins the 25-foot wide park space in Falcon Hollow Subdivision which then connects to the west to the Woodland Park common space and trail corridor. The proposed Sierra Vista park space borders the northern property line before turning south along the eastern property boundary, eventually connecting directly to the large proposed Park Lot 1.

5. EFFECT ON WILDLIFE

a. *Effects of Pets and Human Activities on Wildlife*

This project site does not currently consist of significant wildlife presence and therefore pet and human activities are not anticipated to impact wildlife. Additionally, family pets shall be controlled in accordance with Gallatin County Dog Control Ordinances, Montana Code Annotated 87-3-124, and all other applicable laws, ordinances, and regulations. These requirements will be included in the covenants (see Appendix H).

b. *Effects on Fisheries*

Montana Fish, Wildlife, and Parks (FWP) was contacted as part of the agency contact step in the subdivision process. FWP responded that they had no comments at this time. We interpret this response to mean the project site does not currently consist of any fisheries or known fish habitat and therefore has no impact or effect on fisheries.

c. *Effects on Public Access to Public Lands, Trails, Hunting, or Fishing Areas*

This project site does not currently consist of any public access to public lands, hunting, or fishing areas. Additionally, the project site is not adjacent to any public lands and therefore the proposed development is not anticipated to have any impact on access to these entities.

6. EFFECT ON WILDLIFE HABITAT

a. *Proximity to Area of Significant Wildlife Habitat or Critical Wildlife Areas*

Comments received from Montana Fish, Wildlife, and Parks (FWP) indicated they had no comments regarding the subdivision. Additionally, we are not aware of a presence of significant wildlife habitat or critical wildlife areas. Thus, we do not foresee an impact to significant wildlife habitat or critical wildlife areas with the proposed development.

b. *Effects on Public Access to Public Lands, Trails, Hunting, or Fishing Areas*

This project site does not currently consist of any public access to public lands, hunting, or fishing areas. Additionally, the project site is not adjacent to any public lands and therefore the proposed development is not anticipated to have any impact on access to these entities.

c. *Impacts on Wildlife Areas such as Big Game Wintering Range, Migration Routes, Nesting Areas, Wetlands, or Important Habitat for Rare or Endangered Species*

Based on comments received (from FWP for example) and knowledge of the site, we do not believe the proposed development to be included in a big game wintering range, migration route, nesting area, or other important habitat for rare or endangered species. Therefore, we do not anticipate any effects on such lands.

Information provided within the Wetland Delineation Report identified one wetland type and one upland type within the project boundary totaling less than 0.10 acres. Per the Wetland Delineation Report by Sundog Ecological Inc., the wetland areas are limited

to a narrow fringe bordering the existing irrigation ditch and were classified as palustrine emergent wetlands and no mitigation is required. The entirety of the report is included in Appendix L.

7. EFFECT ON PUBLIC HEALTH AND SAFETY

Fire protection services will be provided by the Hyalite Fire District. All new residential structures exceeding 3,600-square feet or 35 feet in height will be required to be equipped with fire suppression sprinklers. As needed, sprinklers should be designed by a fire suppression specialist at the time of individual home design and construction.

Law enforcement will be provided by the Gallatin County Sheriff's Department. Ambulance and emergency medical response will be provided by American Medical Response. Medical services will be provided by the Bozeman Deaconess Hospital in Bozeman, Montana. Solid waste will be collected by L&L Site Services or Republic Services of Montana and will be transported to the Logan Landfill. Sewage is anticipated to be disposed of by the RAE Water and Sewer District following county and state regulations. Water will also be supplied by the RAE Water and Sewer District.

a. Potential Natural Hazards

Development in rural areas has the potential for natural hazards to occur. For this project, there are no known specific hazards associated with landslides, rockslides, seismic activity, or excessive slopes. Based on our experience in the area, we anticipate foundation bearing for single family homes to be on gravel subgrade; however, there is always a potential for collapsible or expansive soils to exist.

Based on the available maps, there are minimal risks of wildfire and flooding. Specifically, according to the Wildland Urban Interface Map (as used via the Gallatin County Interactive Mapper), the proposed development site is not part of the Wildland Urban Interface (see Appendix D). Additionally, the proposed development site is in Zone D of the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) which indicates a flood hazard that is undetermined, but possible (Appendix D). The FIRM Panel for this site is noted as 30031C0792D which is unavailable from Gallatin County and the FEMA site. Based on our correspondence with the Department of Planning and Community Development, we understand that no flood study or flood hazard evaluation are required for the project based on the drainage area of the subject water courses.

b. Potential Man-Made Hazards

Man-made impacts do not pose a significant hazard to this development. There are no nearby high-voltage power lines, high pressure gas lines, industrial activity, or inadequate traffic controls.

Montana DNRC and HDR studied the possibility of a dam breach at the Hyalite Reservoir south of Bozeman. An excerpt of their report, "Middle Creek (Hyalite) Dam," MT DNRC Dam Breach, Breach Analyses, Inundation Mapping, and Loss of Life Determination,

Middle Creek, June 19, 2017, is included in Appendix D of this report. A full copy of the report can be provided upon request. As part of this Environmental Assessment, we reviewed the inundation maps as they pertain to the project site for the proposed Sierra Vista Subdivision. The following includes basic information and conclusions for the proposed development site.

It is important to note that a dam breach at Hyalite Reservoir is unlikely and would represent a widespread emergency and loss of life for much of the county, including inundation of the Four Corners area and the entire City of Belgrade. The risks associated with the failure of Hyalite Dam are extremely low and special design considerations or restrictions for the subject property are not necessary or required. The dam was designed to withstand hydrologic events having extremely low probability of recurrence intervals, since dam failure would likely result in loss of life.

According to the Middle Creek Dam Breach Analysis (2017), the property is subject to the potential of being affected by a breach of Middle Creek Dam. The report presents methodology and results of the dam breach analysis, performed for the DNRC. According to inundation maps, the project site is located between two known inundation points. Of the two inundation points, the more conservative is that for Middle Creek at Blackwood Road. The travel time from the 2017 dam breach analysis is approximately 1 hour and 47 minutes. The travel time to peak elevation is approximately 1 hour 52 minutes. According to Table 7-5 of the 2017 Analysis, the warning is considered “adequate” for the project area. This would still provide for a short period of time to initiate evacuation efforts.

COMMUNITY IMPACT REPORT

1. WATER SUPPLY

a. Description of Use

The proposed lots of the Sierra Vista Subdivision will be serviced by connection to and extensions of the RAE Water and Sewer District's public water distribution system. The subdivision will be annexing into the RAE Water and Sewer District and the required capacity has already been verified with the representatives of RAE via a will serve letter. The water distribution system to serve the proposed development will be designed in accordance with MDEQ and RAE requirements for water distribution systems and is required to be submitted to MDEQ for review and approval prior to construction. Fire protection will be provided via fire hydrants throughout the water distribution system and residential structures over 3,600 square feet or 35 feet in height will be required to install fire protection sprinkler systems.

b. Capacity

The RAE Water and Sewer District indicated in a will-serve letter dated June 14, 2021, that they have sufficient water supply (flow capacity and water rights) for all 100 lots. A copy of this letter is included in Appendix I.

c. State Standards

All design plans for the water distribution system will be designed and reviewed in accordance with MDEQ regulations.

d. Existing Public System

1. Identify and Describe the Existing System

The nearest extents of the existing RAE water distribution system is in the Falcon Hollow and Woodland Park developments directly north and west (respectively) of the proposed Sierra Vista Subdivision. The nearby network is comprised of 8-inch PVC mains and the system as a whole is supplied by several groundwater wells with an above ground storage tank near the district headquarters. Additionally, the distribution mains are already stubbed to the proposed subdivision boundary (from the Falcon Hollow and Woodland Park developments).

2. Permission to Connect to Existing System

This development will be annexed into the RAE district. RAE has provided a response indicating permission and capacity to allow the project to connect.

3. Approximate Distance to Existing System

The existing system extends to the northern and western edges of the proposed subdivision boundary along Rowland Road (north), Lanner Drive (north), and Noble Peak Drive (west).

4. Cost to Extend Existing Water System to Proposed Development

The existing system already abuts the proposed development; thus, there is no cost to extend to the proposed development site, the Sierra Vista Subdivision. The cost to extend the water system internally throughout the proposed development will be paid by the Developer.

5. Existing System Adequacy

RAE Water and Sewer District has provided a written response that the existing system has the capacity to serve this development.

e. New Public System

There is no separate public water system proposed for this development.

f. Individual System

No Individual water systems are proposed for this development.

2. SEWAGE DISPOSAL

a. Method

This development will connect to the existing RAE Water and Sewer District's public wastewater collection system. Treatment and disposal of wastewater, effluent, and sludge will be in accordance with the district's existing operating permits.

b. Capacity

Allied Engineering will prepare a Water and Sewer Design Report that will be submitted to the Montana Department of Environmental Quality for review to ensure that all standards are met. A letter from RAE Water and Sewer District indicates adequate wastewater capacity for the additional flow from the proposed Sierra Vista Subdivision into their existing collection and treatment system.

c. Existing System

1. Description and Distance from Proposed Development

The wastewater treatment plant operated by the RAE Water and Sewer District operates as an SBR (sequencing batch reactor) system. The treatment plant is located on the east side of Gooch Hill Road, at 10 RAE Water Lane. There are existing collection mains, installed with the Falcon Hollow Subdivision, that extend to the boundary of this proposed development. The Sierra Vista Subdivision will connect to the existing mains that are stubbed to the subject properties north boundary line in Rowland Road and Lanner Drive.

2. Permission to Connect to Existing Service

This development will be annexed into the RAE District. RAE has provided a written response that the district has sufficient wastewater capacity for the proposed Sierra Vista Subdivision.

d. New System

There is no separate wastewater collection system or treatment system proposed for the development.

3. SOLID WASTE DISPOSAL

a. *Collector System*

Republic Services and L and L Site Services have both indicated they can collect and dispose of solid waste generated by this development. The response letter from both collectors indicating ability to provide services can be found in Appendix I of this application package.

4. ROADS

a. *Description*

Complete local road right-of-way (travel lanes, curb and gutter, landscape boulevard, and sidewalk) will be provided throughout this development. All lots will be served by local streets with a 60-foot right-of-way. All roads will be designed and constructed to Gallatin County and Montana Public Works Standard Specifications. With concurrence from the Hyalite District Fire Chief, we are proposing that the short road stubs will serve as T-turnarounds where dead-ends occur due to phasing and no additional temporary turn-arounds will be needed. Please refer to the corresponding plan set and correspondence with the Hyalite Rural Fire Department in Appendix J.

b. *Access to Arterial*

No lots will have direct access to any arterial street.

c. *Modification of the Existing Roads*

A traffic study was prepared by Abelin Traffic Services and is included in Appendix K of this report. Based on the impact summary and recommendations, we understand there are no existing roadway improvements recommended at this time for the Sierra Vista Subdivision. Please see the TIS by Abelin Traffic Services included in Appendix K for further details.

d. *Dust*

All proposed roads will be paved and therefore not prone to dust. Construction dust will be minimized by conforming to the Storm Water Pollution Prevention Plan (SWPPP) which requires clean-up of tracked material on public streets.

e. *Pollution and Erosion*

Road drainage and all other on-site stormwater will be collected and treated on-site using curb and gutter and stormwater ponds (see Appendix Q). All stormwater management facilities will be designed, constructed, and maintained in accordance with DEQ Circular 8. All such designs will also be subject to review and approval by MDEQ.

f. *Installation and Maintenance*

All roads will be installed by the subdivider, will revert to public rights-of-way upon platting, and will be maintained by the homeowners' association.

g. Average Daily Traffic (ADT)

A Traffic Impact Study was prepared by Abelin Traffic Services (ATS) that estimated the total number of trips per day for the Sierra Vista Subdivision and the resulting impact on specific nearby intersections. The trip generation analysis was based on the ITE Trip Generation Report, Tenth Edition. The TIS reports that Gooch Hill Road has an ADT of 2,800 Vehicles Per Day (VPD), Huffine Lane has an ADT of 22,200 VPD, and the nearby Stucky Road has an ADT of 1,700 VPD. The report also states that “the proposed Sierra Vista subdivision will not create any new roadway capacity along Huffine Lane or Gooch Hill Road. Please refer to the complete Traffic Impact Study included in this submittal in Appendix K.

h. Capacity

The traffic study conducted by Abelin Traffic Services indicates there is capacity to carry the estimated additional trips per day generated by the Sierra Vista Subdivision. The TIS reports that Gooch Hill Road has an ADT of 2,800 Vehicles Per Day (VPD), Huffine Lane has an ADT of 22,200 VPD, and the nearby Stucky Road has an ADT of 1,700 VPD. The report also states that “the proposed Sierra Vista subdivision will not create any new roadway capacity along Huffine Lane or Gooch Hill Road. Please refer to the complete TIS included in this submittal in Appendix K.

i. Year-Round Access

All roads are intended to be fully accessible to conventional automobiles year-round.

5. UTILITIES

a. Affected Utilities

Northwestern Energy will provide electrical and natural gas service to this development. Charter will provide internet, cable television, and telephone services. Lumen will provide internet and telephone services.

b. Description of New Installations

All utilities are to be installed in utility easements indicated on the plat. All dry utilities will be installed underground along the front of lots in the easements shown on the Preliminary Plat. The subdivision layout was sent to Northwestern Energy, Charter, and Lumen for their review. Their comments regarding availability and concurrence with the proposed easements are included in Appendix I. No response was received from MT Opticom; however, given their presence in adjacent subdivisions (with similar easement layout), it is anticipated that they may ultimately provide service as well.

6. EMERGENCY SERVICES

a. Services Available

Local emergency services will be provided by the Hyalite Rural Fire District, Gallatin County Sheriff’s Department, American Medical Response, and Bozeman Deaconess Hospital.

b. *Estimated Time of Response*

The following table provides estimated response times for each provider:

Emergency Service	Response Time	Provider
Fire	Approx. 3-5 minutes	Hyalite Rural Fire District
Sheriff	Approx. 7 minutes	Gallatin County Sheriff's Department
Ambulance	Approx. 10 minutes	American Medical Response

c. *Capacity of Providers for Response*

The Hyalite Rural Fire District has indicated that existing facilities and personnel are adequate to provide service. The Sheriff's Department has not responded but based on previous correspondence on adjacent and similar projects, we understand they are obligated to protect and serve the citizens of Gallatin County and would appreciate any support when they attempt to request additional personnel either through the County Commission or directly from the public.

7. SCHOOLS

a. *Available Facilities*

Students living within the proposed Sierra Vista Subdivision will be served by Bozeman School District 7. The district maintains elementary, middle, and high schools.

b. *School Children*

According to Matthew Stark's (Bozeman Public Schools Director of Facilities) letter, the entirety of this development is estimated to generate approximately 50 students at full build-out (100 single family lots).

c. *School Impact*

According to Mr. Stark, the students would attend Meadowlark Elementary School, Sacajawea Middle School, and Gallatin High School (at the date of his letter), and the bus system has the capacity to accommodate the projected additional students.

8. LAND USE

a. *Planning*

This development is under the jurisdiction of the Bozeman City-County Planning Board. It is also within the Gooch Hill West Neighborhood Plan area, the Triangle Community Plan, and the Gallatin County/Bozeman Area Plan. The property is zoned as RX-MD and is regulated by the Gallatin County Subdivision Regulations and the Gallatin County/Bozeman Area Zoning District requirements. No annexation to the City of

Bozeman is anticipated at this time. Responses to the goals and policies of the individual plans are included in Appendix P.

b. Public Lands

No public land access is affected by this proposed development.

c. Adjacent Land Use

Existing adjacent land use is a mix of agricultural and residential, with light industrial and commercial a small distance away along Huffine Lane. Ultimately, this development and all adjacent properties are intended to conform to the Gooch Hill West Neighborhood Plan and are designed to provide a harmonious transition among the various land uses. More specifically, the proposed subdivision is consistent with the adjoining Falcon Hollow, Falcon Heights, and Woodland Park subdivisions.

d. Hazards

Man-made conditions do not pose a significant hazard to this development. There are no nearby high-voltage power lines, high pressure gas lines, industrial activity, or inadequate traffic controls.

e. Nuisance

As specified in the subdivision covenants, there are existing agricultural uses of adjacent land that may produce noise, dust, or odors. Homeowners are expected to respect these uses at all times.

9. HOUSING

a. Number of Lots

A total of 100 single-family lots are proposed for this development. The lots are proposed for residential single-family use and will be developed in two or more phases. The first phase will consist of 60 single-family lots and the future phase will consist of 40 additional single-family lots. The exact phasing plan is anticipated to be two phases.

b. Second Home or Relocation Subdivision

This development is not intended to be a second home or recreational subdivision.

10. PARK AND RECREATION FACILITIES

a. Park and Recreation Facilities to be Provided

The subdivision is proposing to create 2.72 acres of parkland for 20.69 acres worth of lots (residential and utility) for the overall Sierra Vista Subdivision that is 32.14 acres in size. This amount of designated parkland exceeds the Subdivision Regulations required parkland of 2.24 acres (11% parkland for lots less than 0.5 acres and 7.5% parkland for lots 0.5 to 1.0 acres). See Appendix E for Park Area Calculations.

b. Trail Facilities to be Provided

The parkland proposed with the subdivision is laid out such that it provides connectivity to existing adjacent parkland in the Falcon Hollow Subdivision. Additionally, a corridor of park has been provided of adequate width to accommodate a future trail and provide connectivity from the aforementioned Falcon Hollow Park and a proposed large central park for the subdivision. The existing Falcon Hollow park corridor similarly provides connectivity to a trail in the Woodland Park subdivision; however, no trail exists in the Falcon Hollow park corridor.

11. TAXATION

a. Acreage

The Tract 3A parcel containing this proposed development totals 32.14 acres and is comprised of previously agricultural land. The total area of the proposed development is the entire 32.14 acres.

b. Existing Taxes

According to the letter dated December 13, 2021 (included in Appendix I), from the Montana Department of Revenue, the land is currently classified as non-qualified agricultural land. If left in its current classification, the estimated 2022 general taxes are:

- \$1,779

c. Anticipated Taxes

According to the above-referenced letter from the Montana Department of Revenue, the following are the estimated general taxes for the proposed subdivision (based on an estimate of parcels ranging in size from 7,863 square feet to 10,372 square feet with a median of 9,118 square feet):

- Estimated general taxes for 2022, assuming all proposed parcels have sold and are vacant:
 - Median Lot: \$1,525.15
 - Subdivision Total: \$152,515
- Estimated general taxes for 2022 when fully built out, assuming a median improvement of a \$300,000 home:
 - Median Lot: \$5,575.15
 - Subdivision total: \$557,515

12. ACCESSIBILITY OF SERVICE SYSTEMS AND FACILITIES

The following table presents the estimated distance between the proposed Sierra Vista Subdivision and essential services by road type.

	Unimproved Distance (Miles)	Graded Distance (Miles)	Graveled Distance (Miles)	Paved Distance (Miles)	Total Distance (Miles)	Town Where Located
Fire Protection	0	0	0	± 6.5	± 6.5	Bozeman
Sheriff	0	0	0	± 4.8	± 4.8	Bozeman
Police Protection	0	0	0	± 4.8	± 4.8	Bozeman
Hospital Facilities	0	0	0	± 7.6	± 7.6	Bozeman
Elementary School	0	0	0	± 3.7	± 3.7	Bozeman
Middle School	0	0	0	± 6.0	± 6.0	Bozeman
High School	0	0	0	± 4.1	± 4.1	Bozeman

P:\2021\21-051 Peregrine - Major Subdivision\04 Permitting & Entitlements\03 Preliminary Plat\E - E.A\Documents\21-051 Environmental Assessment Report.docx

Appendix 5

Adjoining Property Owners

- Cover Letter
- Certification & Property Owners List
- Adjoining Property Owners Map
- Property Owners Mailing Labels (only in Originals binder)



May 12, 2023

Gallatin County Planning Department
311 West Main, Room 108
Bozeman, MT 59715
planning@gallatin.mt.gov

**RE: Sierra Vista Subdivision – Phase 1
Property Owners List - Verification**

Dear Planners:

For the Sierra Vista Subdivision – Phase 1 Commencement Application, Allied Engineering Services, Inc., personnel checked the original Preliminary Plat Application Property Owners List against current records at the Gallatin County Clerk & Recorder's office. As of May 10, 2023, AESI personnel verified that the adjoining property owners are the same as those notified for the Preliminary Plat, which was approved by the County Commission and signed on January 3, 2023.

Enclosed herein, please find the Adjoining Property Owner's List for the Sierra Vista Phase 1 Commencement Application.

There are twenty-seven (27) unique property owner's/addresses among the adjoining properties.

Sincerely,

Allied Engineering Services, Inc.

Brock D Athman, PE, LEED AP
Civil Engineer



GALLATIN COUNTY
Certification of Property Owners List

I, Brock Athman, Allied Engineering Services, Inc., applicant for the attached proposal, hereby certify that:

- To the best of my knowledge, the attached list shows all property owners and purchasers under contract for property:
 - According to the notice requirements of the applicable zoning regulation.
- The names on the list are from the Gallatin County Clerk and Recorder's most recent records.
- The addresses on the list are from Montana Departments of Revenue's most recent tax records, available on the internet at <http://svc.mt.gov/msl/mtcadastral>.
- I understand that an inaccurate list may delay review of the project.

Handwritten signature of Brock Athman in blue ink.

Signature

5/10/2023

Date

According to notice requirements of the Gallatin County Subdivision Regulations

	Legal Description of Property	Property Owner's Name	Mailing Address of Property Owner from County Tax Records
A	WOODLAND PARK SUB PH 3, S17, T02 S, R05 E, ACRES 0.63, PARKS E & F & TRAIL CORRIDOR A PLAT J-573	WOODLAND PARK MAJOR SUBDIVISION PROPERTY OWNERS ASSN INC	1276 N 15TH AVE STE 103 BOZEMAN,MT 59715-3289
B, D, F	FALCON HOLLOW SUB PH 4, PARK LOTS 3, 4, 5	FALCON HOLLOW PROPERTY OWNER'S ASSOCIATION, INC.	PO BOX 1862 BOZEMAN,MT 59771-1862
C	ROWLAND ROAD	-	-
E	LANNER DRIVE	-	-
G	FALCON HOLLOW SUB PH 4, S17, T02 S, R05 E, BLOCK 12, Lot 5, ACRES 0.212, PLAT J-576	LOHMAN, BROCK & AUTUMN	280 W KAGY BLVD STE D300 BOZEMAN,MT 59715-6056
H	MINOR SUB 507, S17, T02 S, R05 E, Lot 2, ACRES 0.24	HENEGBRY, KATHERINE & J. ANDREW WHITNEY	44 SAKERS WAY BOZEMAN,MT 59718-5534
I	MINOR SUB 507, S17, T02 S, R05 E, Lot 4, ACRES 0.25	QUEZADA, CRUZ & MONIQUE	50 SAKERS WAY BOZEMAN,MT 59718-5534
J	MINOR SUB 507, S17, T02 S, R05 E, Lot 5, ACRES 3.87	FASTING, MARK & HEIDI	126 BOW PERCH LN BOZEMAN,MT 59718-9361
K	S17, T02 S, R05 E, TRACT IN NE4SE4 15.00AC	JOYCE, KEVIN LG & CATHRYN L	5809 GOOCH HILL RD BOZEMAN,MT 59718-9060
L	S17, T02 S, R05 E, Acres 0.77, PARCEL 2 DEED 2245780	PEREGRINE CAPITAL LLC	2310 UNIVERSITY WAY BLDG 3-1 BOZEMAN,MT 59715-6504
M	S17, T02 S, R05 E, TRACT 1 NE4SE4 4.94AC	MCATEE, STEVEN T	5855 GOOCH HILL RD BOZEMAN,MT 59718-9060
N	S17, T02 S, R05 E, TRACT 2 E2SE4 6.17AC	LAND LINK LLC	PO BOX 11811 BOZEMAN,MT 59719-1811

*Form adapted from Gallatin County Certified Property Owner's List

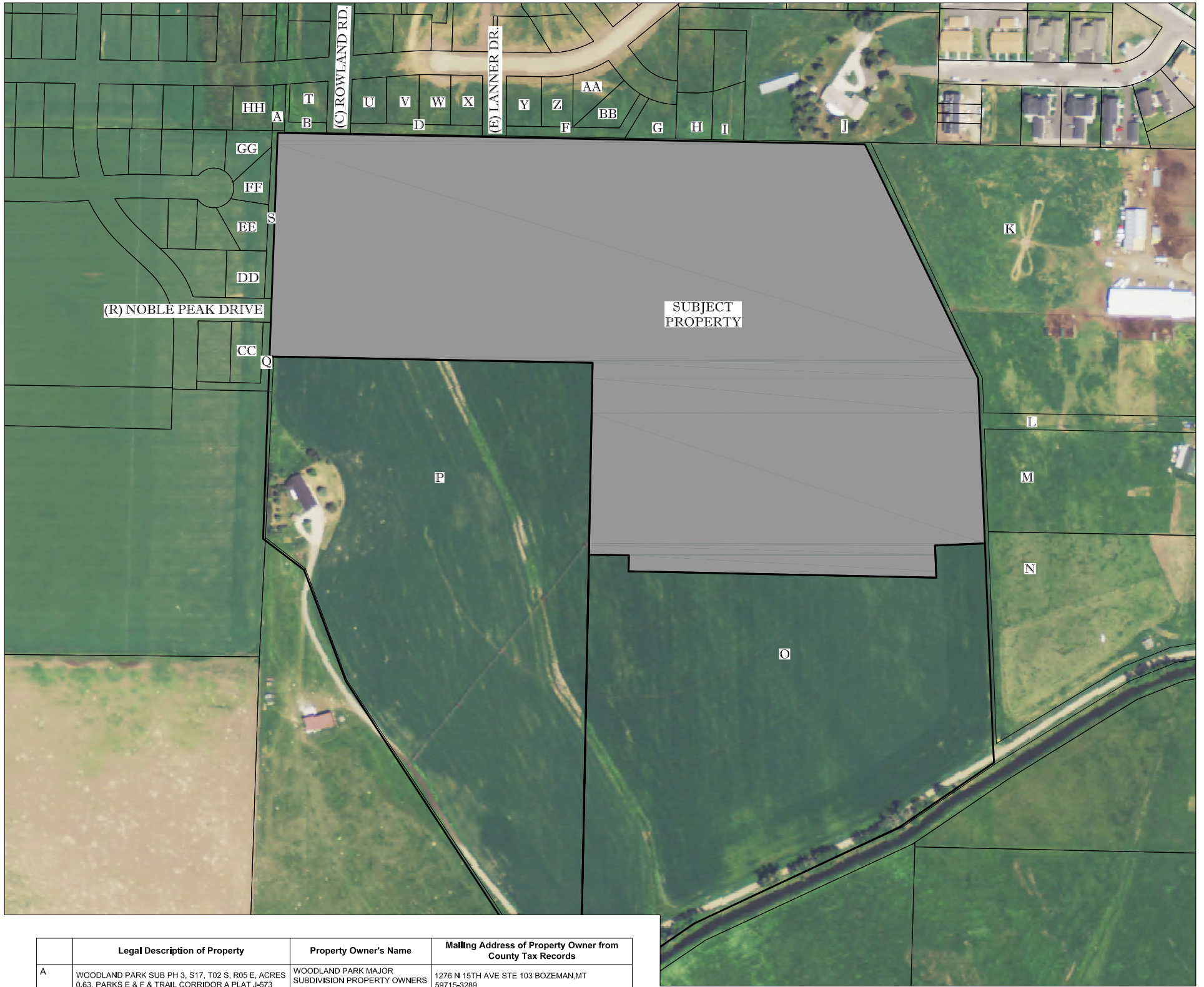
According to notice requirements of the Gallatin County Subdivision Regulations

O	S17, T02 S, R05 E, C.O.S. 22B, PARCEL 2A, ACRES 18.2, TRACT 2 30.017AC	PEREGRINE CAPITAL LLC	2310 UNIVERSITY WAY BLDG 3-1 BOZEMAN,MT 59715-6504
P	S17, T02 S, R05 E, C.O.S. 22B, PARCEL 1A, ACRES 20.04	FRANK & WALLY LLC	PO BOX 3445 BOZEMAN,MT 59772-3445
Q,S	WOODLAND PARK SUB PH 5, S17, T02 S, R05 E, ACRES 0.48095, CA1, TC1 & TC2 J-657	WOODLAND PARK MAJOR SUB OWNERS ASC INC	1276 N 15TH AVE STE 103 BOZEMAN,MT 59715-3289
R	NOBLE PEAK DRIVE	-	-
SUBJECT PROP.	S17, T02 S, R05 E, C.O.S. 22B, PARCEL 3A, ACRES 32.14	CLOVERLEAF LAND AND DEVELOPMENT LLC	25 APEX DR UNIT B BOZEMAN,MT 59718-6090
T	FALCON HOLLOW SUB PH 4, S17, T02 S, R05 E, BLOCK 10, Lot 1, ACRES 0.218, PLAT J-576	HOCKEL, SUZANNE M & RADCLIFFE, JEANETTE	512 TALON WAY BOZEMAN,MT 59718-9806
U	FALCON HOLLOW SUB PH 4, S17, T02 S, R05 E, BLOCK 11, Lot 1, ACRES 0.228, PLAT J-576	SADLEY, KATELYN	484 TALON WAY BOZEMAN,MT 59718-9816
V	FALCON HOLLOW SUB PH 4, S17, T02 S, R05 E, BLOCK 11, Lot 2, ACRES 0.227, PLAT J-576	CUDDY, TIMOTHY ALAN & KIMBERLY FAYE	470 TALON WAY BOZEMAN,MT 59718-9816
W	FALCON HOLLOW SUB PH 4, S17, T02 S, R05 E, BLOCK 11, Lot 3, ACRES 0.227, PLAT J-576	SMITH, ROBBIN M	456 TALON WAY BOZEMAN,MT 59718
X	FALCON HOLLOW SUB PH 4, S17, T02 S, R05 E, BLOCK 11, Lot 4, ACRES 0.228, PLAT J-576	BASSETT, BRANDAN G & CALLIE L	442 TALON WAY BOZEMAN,MT 59718-9816
Y	FALCON HOLLOW SUB PH 4, S17, T02 S, R05 E, BLOCK 12, Lot 1, ACRES 0.252, PLAT J-576	RINGSAK, ERIK & MARNELL & NANCY J	412 TALON WAY BOZEMAN,MT 59718-9816
Z	FALCON HOLLOW SUB PH 4, S17, T02 S, R05 E, BLOCK 12, Lot 2, ACRES 0.23, PLAT J-576	CRADDICK, JAMES & SHERA	398 TALON WAY BOZEMAN,MT 59718-9815
AA	FALCON HOLLOW SUB PH 4, S17, T02 S, R05 E, BLOCK 12, Lot 3, ACRES 0.254, PLAT J-576	SWENSON, PRESTEN D & LESLIE ANNE	382 TALON WAY BOZEMAN,MT 59718-9815

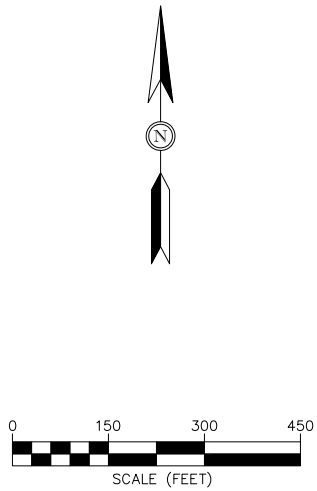
*Form adapted from Gallatin County Certified Property Owner's List

According to notice requirements of the Gallatin County Subdivision Regulations

BB	FALCON HOLLOW SUB PH 4, S17, T02 S, R05 E, BLOCK 12, Lot 4, ACRES 0.218, PLAT J-576	ITSASO ALDE PROPERTIES	7858 STINE RD BAKERSFIELD,CA 93313-9526
CC	WOODLAND PARK SUB PH 5, S17, T02 S, R05 E, BLOCK 24, Lot 2, ACRES 0.27, J-657	METCALF, HUNTER T & BETHANY A	28 NOBLE PEAK DR BOZEMAN,MT 59718-5814
DD	WOODLAND PARK SUB PH 5, S17, T02 S, R05 E, BLOCK 22, Lot 12, ACRES 0.31, J-657	GRANT, LOGAN & ERIN	27 NOBLE PEAK DR BOZEMAN,MT 59718-5814
EE	WOODLAND PARK SUB PH 5, S17, T02 S, R05 E, BLOCK 22, Lot 7, ACRES 0.28, J-657	RONCZKOWSKI, LAURA KATHARINE & NOAH JAMES	PO BOX 283 MOOSE,WY 83012-0283
FF	WOODLAND PARK SUB PH 5, S17, T02 S, R05 E, BLOCK 22, Lot 6, ACRES 0.19, J-657	STUCKEY, DANE	59 MARTEN PEAK CT BOZEMAN,MT 59718-3040
GG	WOODLAND PARK SUB PH 5, S17, T02 S, R05 E, BLOCK 22, Lot 5, ACRES 0.23, J-657	KELLY, MIKKI	57 MARTEN PEAK CT BOZEMAN,MT 59718
HH	WOODLAND PARK SUB PH 3, S17, T02 S, R05 E, BLOCK 19, Lot 1, ACRES 0.25, PLAT J-573	KINDERFATHER, DAVID & JOAN	546 TALON WAY BOZEMAN,MT 59718-9806



	Legal Description of Property	Property Owner's Name	Mailing Address of Property Owner from County Tax Records
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B, D, F	FALCON HOLLOW SUB PH 4, PARK LOTS 3, 4, 5	FALCON HOLLOW PROPERTY OWNER'S ASSOCIATION, INC.	PO BOX 1862 BOZEMAN,MT 59771-1862
C	ROWLAND ROAD	-	-
E	LANNER DRIVE	-	-
G	FALCON HOLLOW SUB PH 4, S17, T02 S, R05 E, BLOCK 12, Lot 5, ACRES 0.212, PLAT J-576	LOHMAN, BROCK & AUTUMN	280 W KAGY BLVD STE D300 BOZEMAN,MT 59715-6056
H	MINOR SUB 507, S17, T02 S, R05 E, Lot 2, ACRES 0.24	HENEBRY, KATHERINE & J. ANDREW WHITNEY	44 SAKERS WAY BOZEMAN,MT 59718-5534
I	MINOR SUB 507, S17, T02 S, R05 E, Lot 4, ACRES 0.25	QUEZADA, CRUZ & MONIQUE	50 SAKERS WAY BOZEMAN,MT 59718-5534
J	MINOR SUB 507, S17, T02 S, R05 E, Lot 5, ACRES 3.87	FASTING, MARK & HEIDI	126 BOW PERCH LN BOZEMAN,MT 59718-9361
K	S17, T02 S, R05 E, TRACT IN NE4SE4 15.00AC	JOYCE, KEVIN LG & CATHRYN L	5809 GOOCH HILL RD BOZEMAN,MT 59718-9060
L	S17, T02 S, R05 E, Acres 0.77, PARCEL 2 DEED 2245780	PEREGRINE CAPITAL LLC	2310 UNIVERSITY WAY BLDG 3-1 BOZEMAN,MT 59715-6504
M	S17, T02 S, R05 E, TRACT 1 NE4SE4 4.94AC	MCATEE, STEVEN T	5855 GOOCH HILL RD BOZEMAN,MT 59718-9060
N	S17, T02 S, R05 E, TRACT 2 E2SE4 6.17AC	LAND LINK LLC	PO BOX 11811 BOZEMAN,MT 59719-1811
O	S17, T02 S, R05 E, C.O.S. 22B, PARCEL 2A, ACRES 18.2, TRACT 2 30.017AC	PEREGRINE CAPITAL LLC	2310 UNIVERSITY WAY BLDG 3-1 BOZEMAN,MT 59715-6504
P	S17, T02 S, R05 E, C.O.S. 22B, PARCEL 1A, ACRES 20.04	FRANK & WALLY LLC	PO BOX 3445 BOZEMAN,MT 59772-3445
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R	NOBLE PEAK DRIVE	-	-
SUBJECT PROP.	S17, T02 S, R05 E, C.O.S. 22B, PARCEL 3A, ACRES 32.14	CLOVERLEAF LAND AND DEVELOPMENT LLC	25 APEX DR UNIT B BOZEMAN,MT 59718-6090
T	FALCON HOLLOW SUB PH 4, S17, T02 S, R05 E, BLOCK 10, Lot 1, ACRES 0.218, PLAT J-576	HOCKEL, SUZANNE M & RADCLIFFE, JEANETTE	512 TALON WAY BOZEMAN,MT 59718-9806
U	FALCON HOLLOW SUB PH 4, S17, T02 S, R05 E, BLOCK 11, Lot 1, ACRES 0.228, PLAT J-576	SADLEY, KATELYN	484 TALON WAY BOZEMAN,MT 59718-9816
V	FALCON HOLLOW SUB PH 4, S17, T02 S, R05 E, BLOCK 11, Lot 2, ACRES 0.227, PLAT J-576	CUDDY, TIMOTHY ALAN & KIMBERLY FAYE	470 TALON WAY BOZEMAN,MT 59718-9816
W	FALCON HOLLOW SUB PH 4, S17, T02 S, R05 E, BLOCK 11, Lot 3, ACRES 0.227, PLAT J-576	SMITH, ROBBIN M	456 TALON WAY BOZEMAN,MT 59718
X	FALCON HOLLOW SUB PH 4, S17, T02 S, R05 E, BLOCK 11, Lot 4, ACRES 0.228, PLAT J-576	BASSETT, BRANDAN G & CALLIE L	442 TALON WAY BOZEMAN,MT 59718-9816
Y	FALCON HOLLOW SUB PH 4, S17, T02 S, R05 E, BLOCK 12, Lot 1, ACRES 0.252, PLAT J-576	RINGSACK, ERIK & MARNELL & NANCY J	412 TALON WAY BOZEMAN,MT 59718-9816
Z	FALCON HOLLOW SUB PH 4, S17, T02 S, R05 E, BLOCK 12, Lot 2, ACRES 0.23, PLAT J-576	CRADDICK, JAMES & SHERA	398 TALON WAY BOZEMAN,MT 59718-9815
AA	FALCON HOLLOW SUB PH 4, S17, T02 S, R05 E, BLOCK 12, Lot 3, ACRES 0.254, PLAT J-576	SWENSON, PRESTEN D & LESLIE ANNE	382 TALON WAY BOZEMAN,MT 59718-9815
BB	FALCON HOLLOW SUB PH 4, S17, T02 S, R05 E, BLOCK 12, Lot 4, ACRES 0.218, PLAT J-576	ITSASO ALDE PROPERTIES	7858 STINE RD BAKERSFIELD,CA 93313-9526
CC	WOODLAND PARK SUB PH 5, S17, T02 S, R05 E, BLOCK 24, Lot 2, ACRES 0.27, J-657	METCALF, HUNTER T & BETHANY A	28 NOBLE PEAK DR BOZEMAN,MT 59718-5814
DD	WOODLAND PARK SUB PH 5, S17, T02 S, R05 E, BLOCK 22, Lot 12, ACRES 0.31, J-657	GRANT, LOGAN & ERIN	27 NOBLE PEAK DR BOZEMAN,MT 59718-5814
EE	WOODLAND PARK SUB PH 5, S17, T02 S, R05 E, BLOCK 22, Lot 7, ACRES 0.28, J-657	RONCZKOWSKI, LAURA KATHARINE & NOAH JAMES	PO BOX 283 MOOSE,WY 83012-0283
FF	WOODLAND PARK SUB PH 5, S17, T02 S, R05 E, BLOCK 22, Lot 6, ACRES 0.19, J-657	STUCKEY, DANE	59 MARTEN PEAK CT BOZEMAN,MT 59718-3040
GG	WOODLAND PARK SUB PH 5, S17, T02 S, R05 E, BLOCK 22, Lot 5, ACRES 0.23, J-657	KELLY, MIKKI	57 MARTEN PEAK CT BOZEMAN,MT 59718
HH	WOODLAND PARK SUB PH 3, S17, T02 S, R05 E, BLOCK 19, Lot 1, ACRES 0.25, PLAT J-573	KINDERFATHER, DAVID & JOAN	546 TALON WAY BOZEMAN,MT 59718-9806



**SIERRA VISTA SUBDIVISION
ADJOINING PROPERTY OWNERS MAP**
TRACT 3A COS 22B, SE1/4 OF S17, T2S, R5E, PMM, GALLATIN CO., MT

32 DISCOVERY DRIVE
BOZEMAN, MT 59718
PHONE (406) 582-0221
FAX (406) 582-5770
www.alliedengineering.com

**Civil Engineering
Geotechnical Engineering
Land Surveying**



PROJECT #: 21-051
DATE: 02/24/2022
PROJECT ENGINEER: BDA
DRAWN BY: SAA
REVIEWED BY:

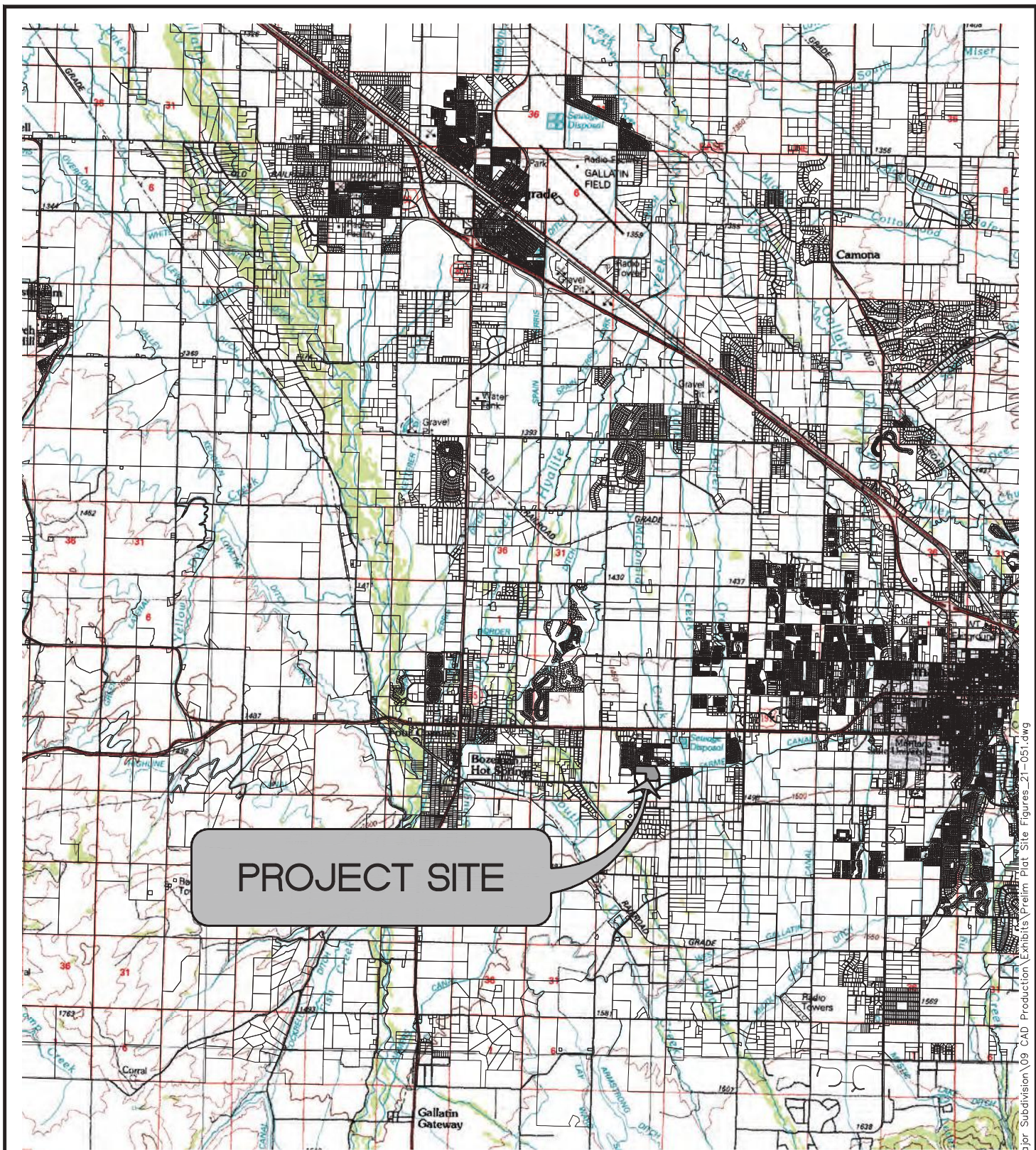
**FIGURE
1**

WOODLAND PARK MAJOR SUBDIVISION PROPERTY OWNERS ASSN INC 1276 N 15TH AVE STE 103 BOZEMAN, MT 59715-3289	FALCON HOLLOW PROPERTY OWNER'S ASSOCIATION, INC. PO BOX 1862 BOZEMAN, MT 59771-1862	LOHMAN, BROCK & AUTUMN 280 W KAGY BLVD STE D300 BOZEMAN, MT 59715-6056
HENEBRY, KATHERINE & J. ANDREW WHITNEY 44 SAKERS WAY BOZEMAN, MT 59718-5534	QUEZADA, CRUZ & MONIQUE 50 SAKERS WAY BOZEMAN, MT 59718-5534	FASTING, MARK & HEIDI 126 BOW PERCH LN BOZEMAN, MT 59718-9361
JOYCE, KEVIN LG & CATHRYN L 5809 GOOCH HILL RD BOZEMAN, MT 59718-9060	PEREGRINE CAPITAL LLC 2310 UNIVERSITY WAY BLDG 3-1 BOZEMAN, MT 59715-6504	MCATEE, STEVEN T 5855 GOOCH HILL RD BOZEMAN, MT 59718-9060
LAND LINK LLC PO BOX 11811 BOZEMAN, MT 59719-1811	PEREGRINE CAPITAL LLC 2310 UNIVERSITY WAY BLDG 3-1 BOZEMAN, MT 59715-6504	FRANK & WALLY LLC PO BOX 3445 BOZEMAN, MT 59772-3445
HOCKEL, SUZANNE M & RADCLIFFE, JEANNETTE 512 TALON WAY BOZEMAN, MT 59718-9806	SADLEY, KATELYN 484 TALON WAY BOZEMAN, MT 59718-9816	CUDDY, TIMOTHY ALAN & KIMBERLY FAYE 470 TALON WAY BOZEMAN, MT 59718-9816
SMITH, ROBBIN M 456 TALON WAY BOZEMAN, MT 59718	BASSETT, BRANDAN G & CALLIE L 442 TALON WAY BOZEMAN, MT 59718-9816	RINGSAK, ERIK & MARNELL & NANCY J 412 TALON WAY BOZEMAN, MT 59718-9816
CRADDICK, JAMES & SHERA 398 TALON WAY BOZEMAN, MT 59718-9815	SWENSON, PRESTEN D & LESLIE ANNE 382 TALON WAY BOZEMAN, MT 59718-9815	ITSASO ALDE PROPERTIES 7858 STINE RD BAKERSFIELD, CA 93313-9526
METCALF, HUNTER T & BETHANY A 28 NOBLE PEAK DR BOZEMAN, MT 59718-5814	GRANT, LOGAN & ERIN 27 NOBLE PEAK DR BOZEMAN, MT 59718-5814	RONCZKOWSKI, LAURA KATHARINE & NOAH JAMES PO BOX 283 MOOSE, WY 83012-0283
STUCKEY, DANE 59 MARTEN PEAK CT BOZEMAN, MT 59718-3040	KELLY, MIKKI 57 MARTEN PEAK CT BOZEMAN, MT 59718	KINDERFATHER, DAVID & JOAN 546 TALON WAY BOZEMAN, MT 59718-9806

Appendix 6

Vicinity Maps & Preliminary Plat Map

- Figure 1: Vicinity Map (original from Prelim Plat App)
- Figure 2: Quadrangle Map (original from Prelim Plat App)
- Figure 3: Aerial Map (original from Prelim Plat App)
- Sierra Vista Preliminary Plat (Phases 1 & 2, scaled to 11"x17")



PROJECT SITE



SCALE (FEET)

BASE MAP: 100K QUADRANGLE, BY USGS 1987



P:\2021\21-051 Peregrine - Major Subdivision\09 CAD Production Exhibits\Preim Plat Site Figures_21-051.dwg

TRACT 3A of C.O.S. 22B
VICINITY MAP
 SEC 17, T2S, R5E, PMM, GALLATIN COUNTY, MT

Civil Engineering
Geotechnical Engineering
Land Surveying
 32 DISCOVERY DRIVE · BOZEMAN, MT 59718
 PHONE (406) 582-0221 · FAX (406) 582-5770
 www.alliedengineering.com



FIGURE 1
 DRAWN BY: BDA
 DATE: 02/03/2022
 PROJECT #:21-051



SCALE (FEET)

BASE MAP: 2019 NAIP ORTHOPHOTO



P:\2021\21-051 Peregrine - Major Subdivision\09 CAD Production\Exhibits\Prelim Plat Site Figures_21-051.dwg

**TRACT 3A of C.O.S. 22B
AERIAL MAP**

SEC 17, T2S, R5E, PMM, GALLATIN COUNTY, MT

**Civil Engineering
Geotechnical Engineering
Land Surveying**

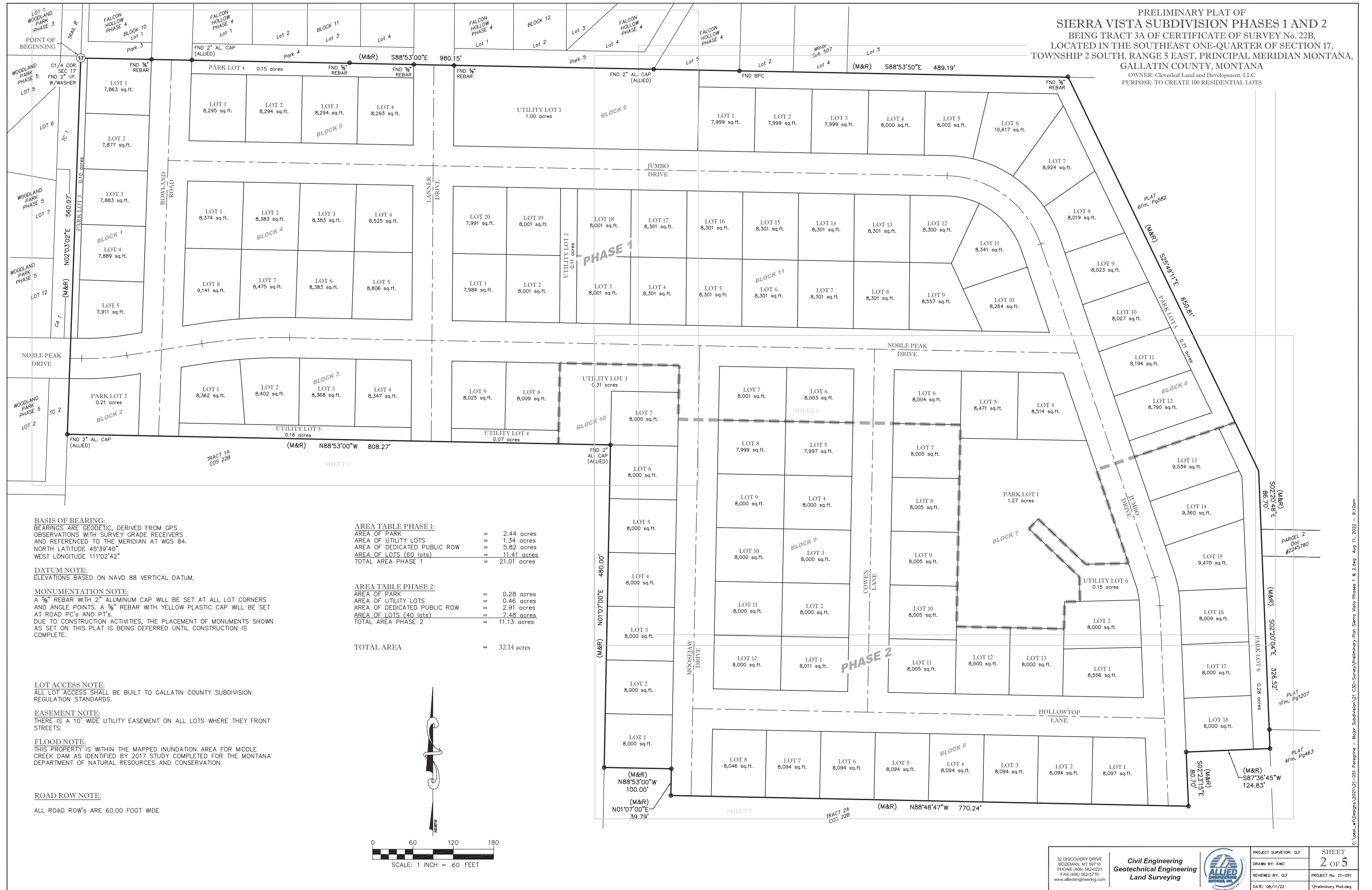
32 DISCOVERY DRIVE . BOZEMAN, MT 59718
PHONE (406) 582-0221 . FAX (406) 582-5770
www.alliedengineering.com



FIGURE 3

DRAWN BY: BDA
DATE: 02/03/2022
PROJECT #:21-051

**PRELIMINARY PLAT OF
SIERRA VISTA SUBDIVISION PHASES 1 AND 2
BEING TRACT 3A OF CERTIFICATE OF SURVEY No. 22B,
LOCATED IN THE SOUTHEAST ONE-QUARTER OF SECTION 17,
TOWNSHIP 2 SOUTH, RANGE 5 EAST, PRINCIPAL MERIDIAN MONTANA,
GALLATIN COUNTY, MONTANA**
OWNER: Cloverleaf Land and Development, LLC
PURPOSE: TO CREATE 100 RESIDENTIAL LOTS



BASIS OF BEARING:
BEARINGS ARE GEODETIC, DERIVED FROM GPS OBSERVATIONS WITH SURVEY GRADE RECEIVERS AND REFERENCED TO THE MERIDIAN AT WGS 84. NORTH LATITUDE 45°39'40" WEST LONGITUDE 111°02'42"

DATUM NOTE:
ELEVATIONS BASED ON NAVD 88 VERTICAL DATUM.

MONUMENTATION NOTE:
A 3/8" REBAR WITH 2" ALUMINUM CAP WILL BE SET AT ALL LOT CORNERS AND ANGLE POINTS. A 5/8" REBAR WITH YELLOW PLASTIC CAP WILL BE SET AT ROAD PC'S AND PT'S. DUE TO CONSTRUCTION ACTIVITIES, THE PLACEMENT OF MONUMENTS SHOWN AS SET ON THIS PLAT IS BEING DEFERRED UNTIL CONSTRUCTION IS COMPLETE.

LOT ACCESS NOTE:
ALL LOT ACCESS SHALL BE BUILT TO GALLATIN COUNTY SUBDIVISION REGULATION STANDARDS.

EASEMENT NOTE:
THERE IS A 10' WIDE UTILITY EASEMENT ON ALL LOTS WHERE THEY FRONT STREETS.

FLOOD NOTE:
THIS PROPERTY IS WITHIN THE MAPPED INUNDATION AREA FOR MIDDLE CREEK DAM AS IDENTIFIED BY 2017 STUDY COMPLETED FOR THE MONTANA DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION.

ROAD ROW NOTE:
ALL ROAD ROW'S ARE 60.00 FOOT WIDE

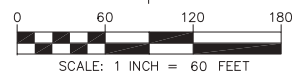
AREA TABLE PHASE 1:

AREA OF PARK	=	2.44 acres
AREA OF UTILITY LOTS	=	1.34 acres
AREA OF DEDICATED PUBLIC ROW	=	5.82 acres
AREA OF LOTS (60 lots)	=	11.41 acres
TOTAL AREA PHASE 1	=	21.01 acres

AREA TABLE PHASE 2:

AREA OF PARK	=	0.28 acres
AREA OF UTILITY LOTS	=	0.46 acres
AREA OF DEDICATED PUBLIC ROW	=	2.91 acres
AREA OF LOTS (40 lots)	=	7.48 acres
TOTAL AREA PHASE 2	=	11.13 acres

TOTAL AREA = 32.14 acres



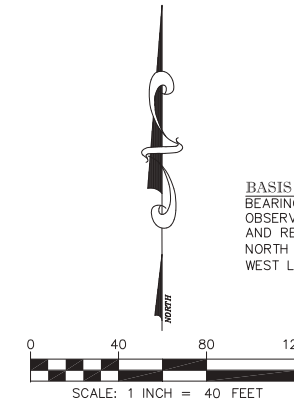
C:\Users\m\Design\2021\21-051 Prelim\Drawings\Major Subdivision\21-CSD-Survey\Preliminary Plat Sierra Vista Phases 1 & 2.dwg Aug 11, 2022 - 9:10am

32 DISCOVERY DRIVE BOZEMAN, MT 59718 PHONE (406) 552-0221 FAX (406) 552-5770 www.alliedengineering.com		PROJECT SURVEYOR: GLF	SHEET
		DRAWN BY: KWO	2 OF 5
		REVIEWED BY: GLF	PROJECT No. 21-051
		DATE: 08/11/22	Preliminary Plat.dwg

PRELIMINARY PLAT OF
SIERRA VISTA SUBDIVISION PHASES 1 AND 2
 BEING TRACT 3A OF CERTIFICATE OF SURVEY No. 22B,
 LOCATED IN THE SOUTHEAST ONE-QUARTER OF SECTION 17,
 TOWNSHIP 2 SOUTH, RANGE 5 EAST, PRINCIPAL MERIDIAN MONTANA,
 GALLATIN COUNTY, MONTANA
 OWNER: Cloverleaf Land and Development, LLC
 PURPOSE: TO CREATE 100 RESIDENTIAL LOTS



- LEGEND**
- 4770 — INDEX CONTOUR
 - — CONTOUR MINOR (1' INTERVALS)
 - — PROPERTY LINE
 - — PHASE LINE
 - - - EASEMENT LINE
 - x - FENCE
 - — SEWER MAIN
 - — SEWER SERVICE
 - — WATER MAIN
 - — WATER SERVICE
 - — STORM MAIN
 - G — UNDERGROUND GAS
 - TEL — UNDERGROUND TELEPHONE
 - F — UNDERGROUND FIBER
 - E — UNDERGROUND ELECTRIC
 - TV — UNDERGROUND TELEVISION
 - — ROAD CENTERLINE
 - — DITCH BOTTOM
 - — TREE LINE
 - FOUND MONUMENT AS NOTED
 - SET 3/8" REBAR WITH 2" ALUMINUM CAP
 - FOUND CENTER ONE-QUARTER CORNER AS NOTED
 - SEWER MANHOLE
 - SEWER VALVE
 - SEWER CLEANOUT
 - WATER VALVE
 - FIRE HYDRANT
 - CURB STOP
 - STREET SIGN
 - ELECTRICAL BOX
 - TELEPHONE PEDESTAL
 - GAS VALVE
 - IRRIGATION WELL

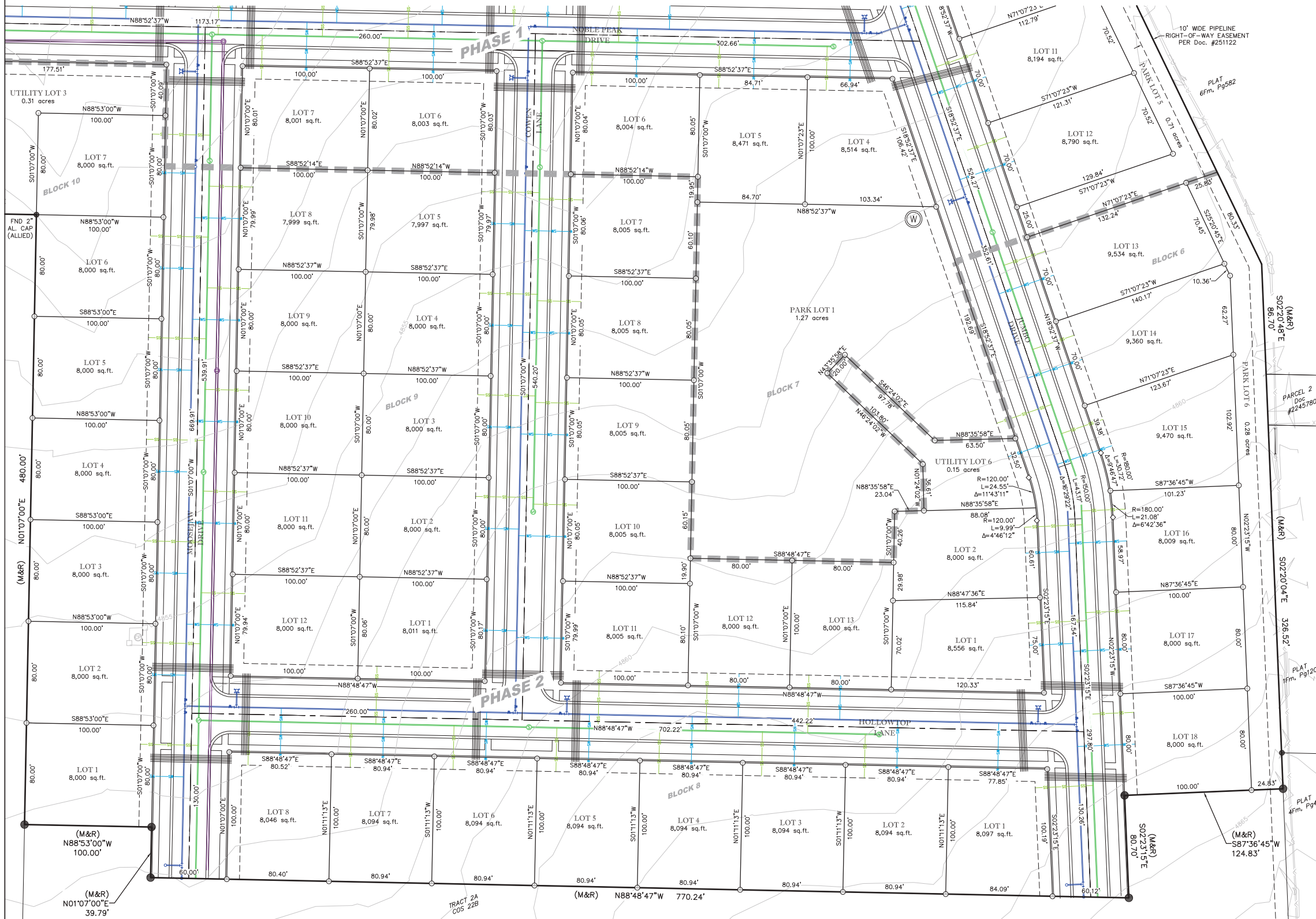


BASIS OF BEARING:
 BEARINGS ARE GEODETIC, DERIVED FROM GPS
 OBSERVATIONS WITH SURVEY GRADE RECEIVERS
 AND REFERENCED TO THE MERIDIAN AT WGS 84.
 NORTH LATITUDE 45°39'40"
 WEST LONGITUDE 111°02'42"

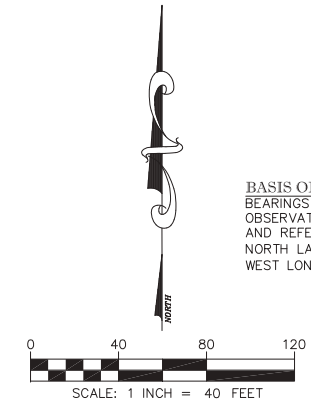
32 DISCOVERY DRIVE BOZEMAN, MT 59718 PHONE (406) 552-0221 FAX (406) 552-6770 www.alliedengineering.com		PROJECT SURVEYOR: GLF	SHEET
		DRAWN BY: KWO	4 OF 5
		REVIEWED BY: GLF	PROJECT No. 21-051
		DATE: 08/11/22	Preliminary Plat.dwg

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PRELIMINARY PLAT OF
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BASIS OF BEARING:
 BEARINGS ARE GEODETIC, DERIVED FROM GPS
 OBSERVATIONS WITH SURVEY GRADE RECEIVERS
 AND REFERENCED TO THE MERIDIAN AT WGS 84.
 NORTH LATITUDE 45°39'40\"/>

32 DISCOVERY DRIVE BOZEMAN, MT 59718 PHONE (406) 552-0221 FAX (406) 552-5770 www.alliedengineering.com		PROJECT SURVEYOR: GLF DRAWN BY: KWO REVIEWED BY: GLF DATE: 08/11/22	SHEET 5 OF 5 PROJECT No. 21-051 \Preliminary Plat.dwg
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Appendix 7

Sierra Vista Preliminary Plat Approval

- Findings of Fact Conclusions of Law and Recommendation (signed 1/3/2023)

**BEFORE THE
GALLATIN COUNTY COMMISSION
GALLATIN COUNTY, MONTANA**

IN THE MATTER OF THE APPLICATION OF CLOVERLEAF LAND AND DEVELOPMENT, LLC FOR PRELIMINARY PLAT APPROVAL OF THE SIERRA VISTA MAJOR SUBDIVISION FILE NO. S2022-052	<u>FINDINGS OF FACT</u> <u>CONCLUSIONS OF</u> <u>LAW AND RECOMMENDATION</u>
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PURSUANT to Section 3.F. of the Gallatin County Subdivision Regulations, the Gallatin County Commission held a public hearing in the County Courthouse Community Room, Bozeman, Montana, on December 20, 2022 (continued from December 13, 2022). Brock Athman of Allied Engineering Services, Inc PLLC, on behalf of Cloverleaf Land and Development, LLC, have requested approval to subdivide an approximately 32-acre property into 100 residential lots intended for single-family (household) residences. The development is referred to as the Sierra Vista Major Subdivision and is entirely within the Gallatin County/Bozeman Area Zoning District and is zoned as Residential Existing Medium Density. The development is planned to occur in two phases, with 60 lots in the first phase and the remaining 40 lots in the second phase. The purpose of the public hearing was to review required plans and information, to determine if the information substantially complies with the Gallatin County Growth Policy, Gallatin County/Bozeman Area Plan and Future Land Use Map, Triangle Community Plan, and Triangle Trails Plan and meets the requirements of the Gallatin County/Bozeman Area Zoning District, Gallatin County Subdivision Regulations, and the Montana Subdivision and Platting Act, and in addition, to listen to public testimony concerning the application and to consider written comments.

The following is the record upon which the County Commission based its recommendation on this preliminary plat ("Hearing Record"):

1. The Staff Report of Deputy Planning Officer, Allyson Brekke with Exhibits A-I (“Staff Report”);
2. The complete application submittal (“Application Materials”) of the Applicant, as included in Exhibit A of the Staff Report;
3. Public comment, as included in Exhibit H of the Staff Report;
4. Findings of Fact and Conclusions of Law of the Gallatin County Planning Board in consideration of the Subdivision, as included in Exhibit I of the Staff Report;
5. Edits to Condition of Approval Nos. 38 and 39 as read and distributed by Staff during the public hearing;
6. Removal of the last motion (Motion C) for consideration on page 25 of the Staff Report as described by Staff during the public hearing; and
7. The recorded and log-note proceedings of the hearing 00:28:10 elapsed time through 01:11:56 which includes presentations by Staff and the Applicant, and verbal comments and discussion of the County Commission.

The Gallatin County Commission having allowed the opportunity for testimony and public input considering the same, being fully advised of all matters presented to it regarding this matter, make the following:

I. FINDINGS OF FACT

1. Proposal.

Allied Engineering Services, Inc., c/o Brock Athman, (Applicant) on behalf of Cloverleaf Land and Development, LLC (Subdivider) requested approval to subdivide an approximately 32-acre property (Subject Property) into 100 residential lots intended for single-family (household) residences. The development is referred to as the Sierra Vista Major Subdivision (Subdivision) and is entirely within the Gallatin County/Bozeman Area Zoning District (Zoning District) and is zoned as Residential Existing Medium Density (RX-MD). The development is planned to occur in two phases, with 60 lots in the first phase and the remaining 40 lots in the second phase.

The Subdivision is within the RAE Water and Sewer District service area and is planning to connect to existing stubs in Falcon Hollow and Woodland Park Subdivisions. Stormwater

collection and conveyance will be directed to on-site ponds such that stormwater releases from the project site will not exceed pre-development flows.

The Subdivision's street network will either be continued from existing streets (Rowland Road and Noble Peak Drive) or added as new street names (Lanner Drive, Moosejaw Drive, Cowen Lane, Jumbo Drive and Hollowtop Lane). All interior subdivision streets will be paved and include concrete curb, gutter, and sidewalks. Park lots are proposed throughout the subdivision and the total park area exceeds the minimum parkland requirements.

2. Location.

The Subject Property is legally described as Tract 3A of Certificate of Survey 22B located in Section 17, Township 2 South, Range 5 East, Principal Meridian Montana (PMM), Gallatin County, Montana. The Subdivision is located approximately ½ miles south and ¼ miles west of the Huffine Lane and Gooch Hill Road intersection, south of the Falcon Hollow Subdivision and east of the existing phases of the Woodland Park Subdivision. See Figure 1 on page 3 of the Staff Report. See Appendix S of the Applicant's application materials for the proposed preliminary plat documents.

3. Background.

The Subdivision was reviewed by the Gallatin County Planning Department under a Pre-Application in July 2021. A response by the Subdividers to that application review is provided in Appendix O of the Applicant's application materials. The Subdivision Preliminary Plat Application was received by the Planning Department in February 2022. The application was deemed complete for element review on March 15, 2022, following the receipt of some additional items requested of the Applicant. Appendix T of the Applicant's application materials contains their response.

On April 7, 2022, the Subdivision was deemed incomplete for sufficiency review (insufficient). Staff requested some clarification and additional items primarily regarding the schedule of phasing and the proportionate share of transportation improvements. Those items were completely received by the Applicant on August 18, 2022. Appendix U of the Applicant's application materials contains their response. Some revisions occurred to the original proposal

to meet the requirements of the sufficiency review, including the change in location of a couple of the residential and utility lots and parkland to make space for a future public water well requested by the RAE Water & Sewer District. The change insured the proposal meets well separation requirements of the Montana Department of Environmental Quality and avoids a public well be located within parkland. Additionally, the details of the Subdivision's proportionate share of transportation improvements to affected street networks. The Subdivision was deemed sufficient on September 9, 2022.

Because the Subdivision is greater than 50 lots, the Planning Department has 80 working days from sufficiency to complete its review and have the County Commission decide on the preliminary plat application. The application was scheduled for consideration by the Planning Board on November 29, 2022 and by the County Commission on December 13, 2022. The Subdivision was routed to the affected utilities and public agencies for review and comment following element review. Several of those comments are included as Exhibits to the Staff Report. Additionally, the Applicant includes agency and utility provider responses in Appendix I of the application materials.

The Subdivision was considered by the Gallatin County Planning Board on November 29, 2022 and they unanimously voted to approve the waiver from 6.C.2 of the Gallatin County Subdivision Regulations for minimum block length and to approve the overall preliminary plat application. One condition of approval (No. 39) was added by the Planning Board to be included in their overall recommendation. The added condition was specific to the planned commuter trail along Gooch Hill Road per the Triangle Trails Plan and ensuring the Subdivision's proportionate share for transportation impacts included the trail construction. Additional findings related to this recommendation and the Commission's consideration is included in the Triangle Trails Plan discussion on page 6 of this Staff Report.

4. Zoning District/Surrounding Land Uses.

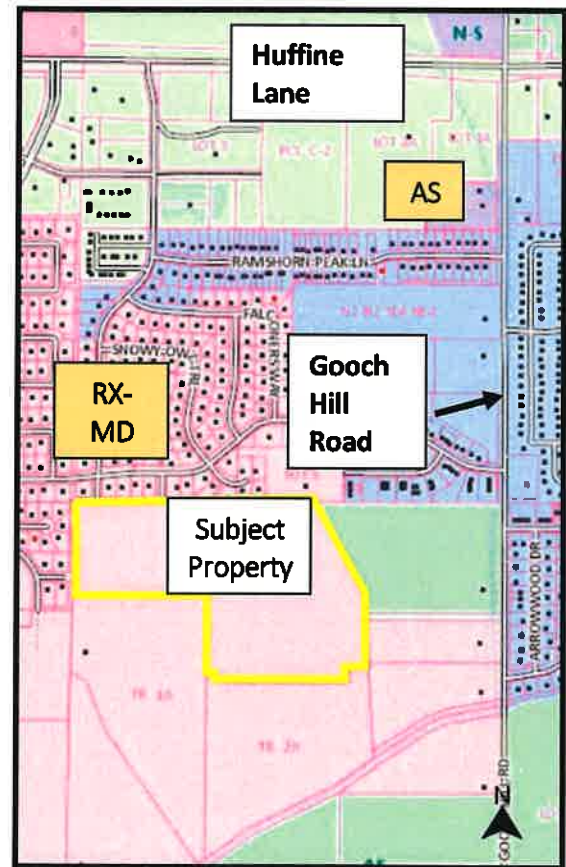
The Subject Property is within the Gallatin County/Bozeman Area Zoning District (Zoning District) and is zoned Residential Existing Medium Density (RX-MD). The intent of the RX-MD District is to provide for single-family residential structures and uses on lots within existing recorded subdivisions, or within areas of the planning jurisdiction which have adopted

neighborhood specific plans which demonstrate adequacy of the provision of necessary services and infrastructure to facilitated medium density single-family residential subdivision. The surrounding properties are primarily single-household residential. As shown on the zoning map below (see Figure 2 on page 3 of the Staff Report), the adjacent areas to the north, west and south are zoned RX-MD (shown in pink) and areas the east are zoned RX-MD and Agricultural Suburban (AS) shown in green.

AERIAL PHOTO VICINITY MAP – Figure 1



ZONING MAP – Figure 2



5. Topography/Geology.

The topography of the Subject Property is primarily flat with slopes between 0 to 2% and 0 to 4%. At the southwest corner of the Subject Property is a slightly steeper section with slopes between 4 and 8%. The soils are a combination of silt loam and complex soils that are moderately wet. A soils report is included in Appendix D of the Applicant's application

materials. The topography should not pose any major problems for the construction of roads, buildings, or the installation of utilities.

The entire Gallatin Valley is susceptible to damage from seismic events. Staff suggests that County required covenants for the Subdivision include provisions, which require all structures to be constructed in compliance with Montana State adopted codes for construction, including codes for the pertinent seismic zone (see Condition No. 37b).

6. Gallatin County Growth Policy.

The Gallatin County Growth Policy (Growth Policy) identifies the Subject Property to be within Zoned Land with the Growth Policy having a medium influence on the proposed development.

7. Gallatin County/Bozeman Area Plan and Future Land Use Map.

The Subject Property is located within the Gallatin County Bozeman Area Plan (GC/BA Plan) and Future Land Use Map (Map) and the Gooch Hill West Neighborhood Plan (Gooch Hill Plan). Appendix P of the Applicant's application materials includes an analysis of applicable goals and policies of these neighborhood plans.

The GC/BA Plan defines Moderate Intensity Development as, "[d]evelopment of additional medium-density residential, conservation subdivisions, neighborhood commercial, office, and public uses. Development of additional appropriate high-density residential, community commercial, office park, and public uses." The Map identifies specific Quadrants that include discussions on appropriate land uses for the quadrant, and specific Plan Goals & Policies. According to the Plan, the Subject Property is located within the Southwest Quadrant and is proposed to be developed as Moderate Intensity Development. The Gooch Hill Plan contains goals that state "create a sustainable, planned community within the Plan Area" and "establish a framework of arterial roads, trails and open space to guide future growth." Staff finds the Subdivision to align with the type of development described and promoted in its neighborhood plans.

8. Triangle Trails Plan.

The Subject Property is located within the Triangle Trails Plan. The Applicant's application materials did not address the Triangle Trails Plan (nor the newly adopted Triangle Transportation Plan as that plan was adopted after the submittal of the Subdivision's preliminary plat application). The Triangle Trails Plan shows a connector trail located north of residential lots planned for Phase 1, within proposed park lots. Connector trails are considered "Class II" trails and should be at least 6 feet wide with ADA accessible surfaces and should connect neighborhood destinations. They serve a critical component by establishing a network of trails from primary commuter trails.

Per Condition of Approval No. 23, Staff is suggesting the Subdivider provide a connector trail, per the Triangle Trails Plan's recommendation, along the northern perimeter of the Subdivision. Staff is aware of the need of the neighboring subdivision(s) to establish their portion of this planned connector trail on their property. Condition of Approval No. 23 only speaks to the portion that is included within the Sierra Vista Subdivision.

Per the Planning Board's recommendation, an implementation goal of the Triangle Trails Plan was referenced: "Commuter trails general align with major road corridors. As those roads are upgraded or constructed, trail design and construction should be included as part of the road improvement projects. Several actions should be undertaken to facilitate this work." An added Condition of Approval was recommended by the Planning Board to ensure the commuter trail construction was included in the proportionate share agreement between the Subdivider and Gallatin County. The County Commission determined that this Triangle Trails Plan recommendation could rather be supported by adding a specific reference to the Gooch Hill Road commuter trail to Condition of Approval No. 20 rather than an added condition.

9. Triangle Community Plan.

The Subject Property is also located within the Triangle Community Plan. The Planning Coordination Committee (PCC) developed the Triangle Community Plan to coordinate land use development patterns, deliver community services and infrastructure, and protect important environmental resources, all in a manner that supports community values and vision while

responding to rapid growth pressures. As a neighborhood plan, this establishes policies that are consistent with the Growth Policy.

10. Agriculture.

In previous years, the Subject Property has been used for agricultural purposes, specifically cultivated with wheat. The productivity of the land is described as “fair” by the Applicant as it was agricultural land that was irrigated and farmed for at least three decades. The Applicant believes the Subject Property was previously part of a larger farming unit that has been subsequently divided and developed (egs., Falcon Hollow, Falcon Heights, Gooch Hill Meadows and Woodland Park Subdivisions). Despite the Subject Property’s history of farming, it is an area that can be considered infill development since it is surrounded by residentially developed areas. The Subdivision is essentially infill in an already residentially developed area. In conclusion, the proposed Subject Property is not a highly productive farm and is not affecting agriculture.

11. Agricultural Water User Facilities.

Water Conveyance. There is an existing irrigation ditch that flows northwesterly (at an angle) through the northwestern portion of the Subject Property. The ditch is planned to be moved and realigned along the western and southern edges of the Subject Property and piped for the benefit of the agricultural water user. The realignment is also beneficial for the Subdivision as it removes the water conveyance facility from developable lots planned. The facility’s end users, Dan Triemstra, has agreed that the pipe network will provide sufficient volume and has confirmed his agreement with ditch realignment and setback and that such improvements will have no impact on the continued use of the facility.

The proposed non-interference setback shown on the preliminary plat is 20 feet wide, 10 feet on either side. Per the Subdivision Regulations, a 50-foot non-interference setback must be provided unless approval is received by the water-conveyance user. That approval has been received by the user, Dan Triemstra, and is included in Appendix M of the Applicant’s application materials. See Condition of Approval No. 33 for the requirement for this setback and any affiliated easements to be shown on the final plat.

11. Local Services.

- a. **Fire Protection.** The project is in the Hyalite Fire District and has been submitted for preliminary review with their representatives (See Appendix J of the Applicant's application materials). The Fire Chief, Brian Nickolay, has been sent the fire protection plan, and provided an email in March 2022 that he was acceptable to the plan. See Exhibit F. Conditions of Approval No. 26-28 will ensure the approval of the fire protection plan is noted and recorded with the final plat approval. The estimated fire response time is 3 to 5 minutes.

- b. **Law Enforcement.** The Gallatin County Sheriff will provide law enforcement services to the proposed Subdivision.

- c. **Emergency Medical.** Ambulance and emergency medical service will be provided by American Medical Response (AMR) of Bozeman. Estimated response time will vary given weather and traffic conditions.

- d. **Schools.** The subject property is located within the Bozeman School District #7. Request for comments was sent out to the School District and their comments are included in Appendix I of the Applicant's application materials. The School District indicates they will be able to accommodate the additional students generated by the Subdivision. The total students anticipated from this Subdivision is the following: 23 students in Pre-K to 5th, 12 students in 6th to 8th, and 15 students in 9th to 12th. The School District also indicated that it could provide bus transportation and encouraged sidewalks to be established to ensure safe student walking conditions.

- e. **Taxation.** The Subdividers claim that the Subject Property is currently taxed as "non-qualified agriculture" lands. It is estimated that the property taxes following development would be approximately \$557,515 (assuming a \$300,000 home on all 100 lots in the Subdivision).

12. Natural Environment.

See Appendix E of the Applicant's application materials for the submitted Environmental Assessment. The assessment reviews the topics of surface water, groundwater, geology, vegetation, wildlife, historical features, and visual impact.

Wetland. A small wetland area was identified along the perimeter of the existing irrigation ditch on the Subject Property. A wetland delineation and report are in Appendix L of the Applicant's application materials. One wetland and one upland type were identified in the Subject Property, totaling less than 0.10 acres. The wetland areas are limited to a narrow fringe bordering the existing irrigation ditch and were classified as "palustrine emergent wetlands" and do not require any mitigation. Condition of Approval No. 11 requires the delineation of any present wetlands to be shown on the final plat, and for proof of any U.S. Corp of Engineers permits received for construction or change in the recognized wetland.

Watercourses and Floodplain. There are no watercourses located on the Subject Property outside of the irrigation ditch located in the western portion of the Subject Property. Additionally, the Subject Property is not located within a FEMA designated 100-year floodplain.

Groundwater. Groundwater levels vary from approximately 4 to 24 feet below ground surface with peak season between the months of May and August. It is expected that some dewatering will be required during construction to manage the groundwater levels. Covenants are expected to prohibit basements in the Subdivision.

Noxious Weed Management. State of Montana and Gallatin County declared noxious weeds shall be controlled as directed by the Weed Control District in accordance with the Montana County Noxious Weed Control Act (§ 7-22-2101 through 7-22-2154 MCA). The Subdivision Regulations require that the Subdividers obtain an approved weed management plan from the Gallatin County Weed Control District prior to preliminary plat approval, which the Subdividers have provided as required in Appendix G of the Applicant's application materials. After preliminary plat approval, the plan shall be effectively implemented in accordance with the requirements of the plan. Prior to final plat approval, the Subdividers must enter a Memorandum of Understanding with the Gallatin County Weed Control District, and the final plat must include a provision for maintenance and weed control (see Condition Nos. 9 and 10).

13. Wildlife.

No comments were received by Montana Fish, Wildlife, and Parks (FWP) about the Subdivision. According to the United States Fish and Wildlife Service (USFWS) Planning and Conservation Database, Canada Lynx and grizzly bear are threatened species in the proposed development area. Given the Subject Property's previous farming use, there are no known habitats for such animals. Therefore, the Subdivision is not expected to impact either species.

14. Wildlife Habitat.

See comments above in subsection 5. Due to the lack of watercourses on the Subject Property, there is no affect to fish habitat.

15. Public Health and Safety.

Roads/Access/Transportation. The Subdivision extends two primary roads from adjacent subdivisions: Rowland Road and Noble Peak Drive. Other interior roads are proposed to meet Gallatin County Transportation Design and Construction Standards and will have curb and gutters. Sidewalks are proposed throughout the subdivision due to the lot sizes proposed and will connect with adjacent subdivisions.

Per the Gallatin County Road and Bridge Department sufficiency comments (see Exhibit D), the Subdivider was required to provide a description of their proportionate share contributions for transportation improvements along Gooch Hill Road and the Gooch Hill Road and Huffine Lane intersection. The Subdivider's proposed proportionate shares are described in Appendix U of the Applicant's application materials. The purpose of the Subdivider's submittal is to provide a preliminary cost estimate for the required transportation improvements. The proportionate share is then determined from the estimate and is proposed to be a cash payment. Condition of Approval No. 12 is included to ensure a proportionate share agreement between the Subdivider and Gallatin County occurs prior to final plat approval. The Road and Bridge Department concurred with the Subdivider's proposal.

Other related conditions for transportation items are included as Conditions of Approval No. 13-21, and Condition of Approval No. 38. They relate to ensuring all construction of improvements occur with Road and Bridge construction approval and that they are installed

prior to final plat approval, waivers of right to protest for the creation of any Rural Improvement District (RID) for Gooch Hill Road improvements, and the shared maintenance of roads and snow removal with neighboring subdivisions.

Wastewater Disposal & Water Supply. Wastewater disposal and potable water supply in the Subdivision is proposed to be provided by RAE Water and Sewer District. RAE's will-serve letter stating they have enough water supply for the proposed 100 residential lots is included in Appendix I of the Applicant's application materials. It is the Subdivider's intent to submit plans and specifications to RAE and to Montana Department of Environmental Quality (MDEQ) for both parties' review and approval. All infrastructure improvements will be constructed to RAE Water and Sewer District Standards, and DEQ approval will be forwarded to the County as soon as the review is finished. Per Condition of Approval No. 31, all approvals from RAE and MDEQ must occur prior to final plat approval. RAE is responsible in ensuring the transfer of any existing water rights on the property occurs and Condition of Approval No. 32 is included to ensure this is documented with the final plat approval.

Gallatin City County Environmental Health Department (GCCHD) and the MDEQ will be the reviewing authorities on the proposed subdivision to ensure compliance with the Sanitation in Subdivisions Act and County regulations. The proposed method of supplying domestic water to each Lot in the Subdivision must comply with the design standards adopted by the MDEQ. The Commission may not approve the final plat of a Subdivision containing lots of less than 20 acres in size, unless the Subdivision has been approved by MDEQ or other authorized reviewing authority under the Sanitation in Subdivisions Act, sections 76-4-101 et seq., MCA. GCCHD provided comments on the Subdivision (see Exhibit B). Condition of Approval No. 30 speaks to the health and sanitation requirements.

The Montana Department of Natural Resources and Conservation Water Resources Unit (DNRC) provided comments to the Subdivider and the County during the Pre-Application review process. The DNRC did not have any additional comments with the Preliminary-Plat as they know they are working with Rae Water and Sewer District. See Exhibit C.

Stormwater Management. Per the Subdivision application materials, all interior streets within the subdivision will be constructed to Gallatin County Local Street standards. Road drainage will be collected and conveyed via valley gutters throughout the development. Post development stormwater will be directed to appropriately sized stormwater ponds such that the stormwater flow leaving the subdivision is less than or equal to pre-development flow. A Stormwater Pollution Prevention Plan will be implemented and will remain in effect during the construction phase of the Subdivision.

Lot and Block Design. The lots proposed in the Subdivision have regular dimensions, have adequate street frontage and meet all requirements of the Subdivision Regulations (Section 6.B). There is not a minimum lot size established for the RX-MD sub-zoning-district. Some of the proposed block lengths in the Subdivision fall below the minimum 400-foot length as described in Section 6.C.2 of the Subdivision Regulations. A waiver must be requested to the County Commission and justification needs to be provided why “otherwise impractical” the block lengths cannot meet the minimum. A justification for the block lengths is supplied in Appendix U of the Applicant’s application materials. Essentially, the Applicant states the block lengths are largely determined by the pre-existing adjacent development and by the existing road alignments (primarily between Rowland Road and Lannar Drive). A separate motion is provided for consideration of this waiver’s approval.

Pedestrian, Bicycle and Trail, and Transit Facilities. In accordance with Section 4.5.1 of the Gallatin County Transportation Design and Construction Standards sidewalks (pedestrian facilities) will be installed on both sides of the interior subdivision road since the Subdivision’s net density is greater than 1 dwelling unit per half acre.

The Triangle Trails Plan (Trails Plan) recommends a connector trail along the northern portion of the Subject Property where parkland is proposed by the Subdivider. Condition of Approval No. 23 is requiring the construction of such a trail, and ensures it is at least 6 feet wide and ADA accessible surfacing.

Additionally, the Planning Board discussed how the Trails Plan recommends a commuter trail within the Gooch Hill Road corridor. And furthermore, the Trials Plan recommends in its

“Implementation” Chapter that trail design and construction should be included as part of the road improvement projects. An added Condition of Approval was recommended by the Planning Board to ensure the commuter trail construction was included in the proportionate share agreement between the Subdivider and Gallatin County. The County Commission determined that this Triangle Trails Plan recommendation could be supported by adding a specific reference to the Gooch Hill Road commuter trail to Condition of Approval No. 20 rather than an added condition.

16. Public Notice and Public Comment.

Public notice of the Subdivision and the public hearings was sent to adjacent property owners via certified mail and published in the *Bozeman Daily Chronicle* on November 13 and 20, 2022. A couple of public members submitted comment for the Planning Board (Staff Report, Exhibit H). The public comments inquired about the details of the Subdivision layout and density and contained concerns about the proposed lot sizes in comparison to existing lots within the Falcon Hollow Subdivision. No public was present for the Subdivision at the County Commission hearing on December 20, 2022.

17. Additional Findings.

The County Commission made additional Findings of Fact as set forth in the recorded Hearing Record, which are hereby incorporated by reference.

Any factual findings contained in the following Conclusions of Law are hereby incorporated these Findings of Fact.

From the foregoing Findings of Fact, the County Commission makes the following Conclusions of Law.

II. CONCLUSIONS OF LAW

Any Conclusions of Law contained in the foregoing Findings of Fact are hereby incorporated herein.

I. The County Commission has jurisdiction in all matters pertaining to the approval or disapproval of subdivisions with the Gallatin County/Bozeman Area Zoning District, pursuant to Title 76, Chapter 1, Part 107 MCA and the Gallatin County Subdivision Regulations.

II. The Gallatin County Subdivision Regulations Section 3.K.1-4 include "Criteria for County Commission Decision and Documentation." The County Commission made the following conclusions of law related to the criteria for County Commission decision:

A. **Prerequisites for Approval.** Pursuant to the Montana Subdivision and Platting Act (MSPA), the County Commission may not approve or conditionally approve a Subdivision Preliminary Plat application unless the proposed Subdivision:

- i. **complies with the survey requirements of 76-3-401 through 406, MCA;** The Subdivision's final plat must comply with the survey requirements of the Montana Subdivision and Platting Act 76-3-401 through 406, MCA and the Administrative Rules of Montana 24.183.1107. This requirement is found to be met through Condition of Approval No. 2 and will be verified through a final plat application process.
- ii. **provides Easements within and to the proposed Subdivision for the location and installation of any planned utilities;** The Subdivision's final plat shall show all required easements for utilities and shall be located along property lines, and utilities can be located within road rights-of-way. This requirement is found to be met through Condition of Approval No. 25 and will be verified through a final plat application.
- iii. **provides legal and physical access to each parcel within the proposed Subdivision and the required notation of that access on the applicable Plat and any instrument transferring the parcel;** The required notation of legal and physical access is required to be delineated on the face of the Subdivision's final plat through Condition of Approval No. 3.
- iv. **assures that all required private or public Improvements will be installed before Final Plat approval, or that their installation after Final Plat approval will be guaranteed as provided by Section 8 of these Regulations;** This

requirement is found to be met through Conditions of Approval No. 5, 13, 17, and 19 which describes the procedure for installing improvements and improvements agreements consideration, all which will be verified through a final plat application process.

- v. **assures that the requirements of 76-3-504(1)(j), MCA, regarding the disclosure and disposition of water rights has been considered and will be accomplished before the Final Plat is approved;** This requirement is found to be met through Condition of Approval No. 32 and will be verified through a final plat application process.
- vi. **assures that the requirements of 76-3-504(1)(k), MCA regarding Watercourse and irrigation Easements have been considered and will be accomplished before the Final Plat is approved; and;** No impacts to watercourses are anticipated to occur with the Subdivision. Water conveyance required easements and setbacks requirements are found to be met through Conditions of Approval Nos. 33 – 35 and will be verified through a final plat application.
- vii. **provides for the appropriate park Dedication or cash-in-lieu. (76-3-621, MCA).**
 - (i.) **The Final Plat of a residential Subdivision shall show that the Subdivider has dedicated to the public a land donation or to the County a cash donation equal to:**
 - i. 11% of the area of the land proposed to be subdivided into parcels of one-half acre or smaller.
 - ii. 7.5% of the area of the land proposed to be subdivided into parcels larger than one-half acre and not larger than one acre.
 - iii. 5% of the area of the land proposed to be subdivided into parcels of one acre or larger but not larger than three acres.
 - iv. 2.5% of the area of the land proposed to be subdivided into parcels of three acres or larger but not larger than five acres.

The Subdivision is exceeding the minimum amount of parkland required. This requirement is found to be met through Conditions of Approval No. 5 and 22-24 and will be verified through a final plat application process.

- B. Application of Adopted Standards. In approving, conditionally approving, or denying a Subdivision Preliminary Plat application, the County Commission shall consider whether the proposed Subdivision complies with:**

- i. **these Regulations, including, but not limited to, submittal requirements of Section 5, and the development standards set forth in Sections 6 and 7;** The Subdivision was found to meet all submittal requirements. The Conditions of Approval ensure the Subdivision meets all development standards.
 - ii. **applicable zoning regulation design standards;** Section 8 of the zoning regulation applies to this Subdivision. Single-family dwellings are permitted and there is no minimum lot size. The Commission concluded the Subdivision complies with the Gallatin County/Bozeman Area Zoning Regulation.
 - iii. **other applicable regulations and standards; and;** The Conditions of Approval ensure the Subdivision meet all other applicable regulations and standards.
 - iv. **consideration of any Variance from the standards set forth in Section 6 of these Regulations.** No variance is requested with the Subdivision.
- C. **Consideration of Evidence.** In making its decision to approve, conditionally approve, or deny a proposed Subdivision, the County Commission shall consider and weigh the following, as applicable:
- i. **the Subdivision application and Preliminary Plat;**
 - ii. **the environmental assessment; community impact; flood study and/or flood hazard evaluation; Traffic Impact Study;**
 - iii. **the summary of probable impacts and mitigation;**
 - iv. **the MSPA, specifically as to how the proposed Subdivision addresses impacts on Agriculture, Agricultural Water User Facilities, Local Services, the Natural Environment, Wildlife, Wildlife habitat, and Public Health and Safety; and any officially adopted Growth Policy, Neighborhood Plan or Development Pattern (76-2-104, MCA) for the area involved;** The Growth Policy states all proposed subdivisions within Zoned Land areas are subject to compliance with the underlying zoning regulations and will also need to consider and appropriately mitigate impacts to the Primary Criteria as detailed in Chapter 6 of the Growth Policy and included in Section 76-3-608(3)(a) MCA. However, the County Commission may not withhold, deny, or impose conditions on a subdivision based solely on compliance with the officially adopted Growth Policy (§76-1-605(2)(b),

MCA). The Commission also concluded the Subdivision is in substantial compliance with the Growth Policy. Accordingly, no conditions are required based solely on compliance with the Growth Policy.

Per Section 3.K(3)(e) of the Subdivision Regulations, the Commission shall consider and weigh any officially adopted neighborhood plan in making its decision to approve, conditionally approve, or deny a proposed Subdivision. The neighborhood plans that apply to the Subdivision are the Gooch Hill West Neighborhood Plan, the Triangle Trails Plan and the Triangle Community Plan. The policies of the Triangle Community Plan that apply to the Subdivision are the following:

- **POLICY 4.1.1** Encourage and prioritize development to locate within the cities of Bozeman and Belgrade, and areas of the County where infrastructure is already in place.
- **POLICY 4.1.2** Recognize the critical need for infrastructure and services to be in place prior to or concurrent with new development.
- **POLICY 4.3.1** Support opportunities to establish larger swaths of open space and parks instead of primarily relying on small parks from individual review of subdivisions.
- **POLICY 4.3.2** Encourage connections between open space areas when feasible.
- **POLICY 4.4.1** Residential zoning should allow for a variety of housing types and price points.
- **POLICY 4.6.2** Recognize the critical need for infrastructure and services to be in place prior to or concurrent with new development.
- **POLICY 4.7.1** Discourage development in areas without access to major transportation network as identified in the most recent version of the transportation plans adopted by Belgrade, Bozeman, and Gallatin County.
- **POLICY 4.7.5** Plan for multi-modal transportation facilities that offer a variety of choices for different users and purposes.

- **POLICY 4.7.9** Adhere to road width standards to maintain access during all road conditions.
- **POLICY 4.7.13** The network of local streets should be continued and connected, allowing emergency services to serve developments (not gated community pattern).
- **POLICY 4.7.16** Provide a network of connected streets that accommodate vehicles, bicycles and pedestrians as area continues to develop.
- **POLICY 4.8.1** Support orderly and well-planned water and wastewater infrastructure pursuant to coordinated and adopted facility plans.
- **POLICY 4.8.4** Encourage prioritization of infill development within existing public service areas over expansion of these service areas.
- **POLICY 4.8.5** Explore development of standard easement requirements to support maintenance and service of water and sewer infrastructure.
- **POLICY 4.8.6** Avoid activities and uses that would disrupt planned water and wastewater infrastructure improvements.
- **POLICY 4.9.2** Rights of way and easements associated with the ditches and canals must be recognized and protected.
- **POLICY 4.9.7** Encourage coordination between developers and ditch owners to minimize or eliminate the number of times irrigation infrastructure must be crossed.
- **POLICY 4.11.1** Maintain floodplains, wetlands, and irrigation infrastructure, which all support the recharge of shallow groundwater aquifers and maintain late season flows.
- **POLICY 4.11.4** Maintain current setback standards from irrigation infrastructure, wetlands, and watercourses.
- **POLICY 4.11.5** Encourage developments to employ Best Management Practices for projects along and adjacent to ditches, streams, and rivers in order to manage runoff of particulates, pollutants, and sediment into surface waters.

- v. **comments, evidence and discussions at the public hearing(s);** No public testimony was received by the County Commission during the public hearing.

The removal of Condition of Approval No. 39 and the edit of Condition of Approval No. 20 was discussed by the County Commission to ensure the Subdivision meets the implementation goals of the Triangle Trails Plan.

- vi. **Subdivision Administrator's staff report, findings and conclusions;**
- vii. **Planning Board recommendation; and;** The Planning Board unanimously supported the Subdivision in a 5-0 vote on November 29, 2022.
- viii. **any additional information authorized by law.** The Subdivision is proposed as phased. The requirements of Section 12.B of the Subdivision Regulations apply to phased subdivisions. Condition of Approval No. 8 ensures the procedures of review and approval of the Subdivision's phases will occur.

D. Water and Sanitation-Special Rules:

- i. **Water and sanitation information provided during the Subdivision Preliminary Plat application review process, including public comment, may be used as a basis for a conditional approval or denial of a Subdivision Preliminary Plat application only if the Governing Body finds that the application submittal does not comply with previously adopted Subdivision, zoning, Floodplain or other regulations.**
- ii. **For a proposed Subdivision that will create one or more parcels containing less than 20 acres, the Governing Body shall require approval by the MDEQ as a condition of approval of the Final Plat. This approval applies to the development of lots at the time of the approval and is no guarantee that a source of water or a location for a septic system or drain fields will be available when the lots are actually developed.**
- iii. **The County Commission shall collect public comments submitted regarding water and sanitation information and shall make any comments submitted or a summary of the comments submitted available to the Subdivider within 30 days after conditional approval or approval of the Subdivision Preliminary Plat application.**
- iv. **The Subdivider shall, as part of the Subdivider's application for sanitation approval, forward the comments or the summary provided by the County Commission to the: (i.) reviewing authority provided in MCA, Title 76, Chapter**

4, for Subdivisions that will create one or more parcels containing less than 20 acres; and (ii.) local health department or board of health for proposed Subdivisions that will create one or more parcels containing 20 acres or more and less than 160 acres.

The Conditions of Approval are going to ensure the Subdivision receives MDEQ approval prior to final plat approval.

III. In accordance with Section 3.H. of the Subdivision Regulations the County Commission conducted a public hearing on December 20, 2022 (continued from December 13, 2022), reviewed the proposed Subdivision, opened the hearing for public comment and therefore, proceeded with its decision to act on the proposed Subdivision. did not receive any testimony, information or analysis of information that was part of the Subdivision.

IV. In accordance with Section 76-3-608, MCA, the County Commission considered the primary criteria as a basis to provide a recommendation on the Subdivision during the public hearing.

V. As required by Section 8 of the Subdivision Regulations an environmental assessment accompanied the preliminary plat for the major subdivision. The environmental assessment addresses the primary review criteria established in 76-3-608(3) (a), MCA, (effects on agriculture, agricultural water user facilities, local services, the natural environment, wildlife, wildlife habitat, and public health and safety).

VI. In accordance with Section 76-3-608(3)(a), MCA, the County Commission made the following conclusions of law regarding the primary criteria:

- A. **Agriculture.** The proposed Subject Property is not highly productive as farmland and is not creating agriculture impacts.
- B. **Agricultural Water User Facilities.** A 50-foot total non-interference water conveyance setback is being provided and is approved by the facility's end users. The required Condition of Approval No. 33 requires the setback and any affiliated easements to be shown on the final plat.
- C. **Local Services.**

- i. **Fire Protection.** The Subdivision meets the fire protection requirements of the Subdivision Regulations with Conditions of Approval No. 26-28.
- ii. **Law Enforcement.** There are no identified adverse impacts to law enforcement requiring mitigation.
- iii. **Emergency Medical.** There are no identified adverse impacts to emergency medical requiring mitigation.
- iv. **Schools.** There are no identified adverse impacts to schools requiring mitigation.
- v. **Taxation.** There are no identified adverse impacts to taxation requiring mitigation.

D. Natural Environment.

- i. **Wetland.** Condition of Approval No. 11 requires the delineation of any present wetlands to be shown on the final plat, and for proof of any U.S. Corp of Engineers permits received for construction or change in the recognized wetland.
- ii. **Watercourses and Floodplain.** There are no watercourses located on the Subject Property and no conditions of approval are required to mitigate impacts. The Subject Property is not located within a FEMA designated 100-year floodplain and there are no impacts to floodplains.
- iii. **Groundwater.** The groundwater levels will be monitored with Groundwater levels vary from approximately 4 to 24 feet below ground surface with peak season between the months of May and August. It is expected that some dewatering will be required during construction to manage the groundwater levels. Covenants are expected to prohibit basements in the Subdivision.
- iv. **Noxious Weed Management.** State of Montana and Gallatin County declared noxious weeds shall be controlled as directed by the Weed Control District in accordance with the Montana County Noxious Weed Control Act (§ 7-22-2101 through 7-22-2154 MCA). The Subdivision Regulations require that the Subdividers obtain an approved weed management plan from the Gallatin County Weed Control District prior to preliminary plat approval. Required Conditions of Approval Nos. 9 and 10 ensure this is met with the final plat approval.

- E. Wildlife.** Given the Subject Property's previous farming use, there are no identified adverse impacts to wildlife requiring mitigation.

F. **Wildlife Habitat.** There are no identified adverse impacts to fish habitat requiring mitigation.

G. **Public Health and Safety.**

- i. **Roads/Access/Transportation.** Condition of Approval No. 12 is included to ensure a proportionate share agreement between the Subdivider and Gallatin County occurs prior to final plat approval. Conditions of Approval No. 13-21, and Condition of Approval No. 38.
- ii. **Wastewater Disposal & Water Supply.** Per Condition of Approval No. 31, all approvals from RAE and MDEQ must occur prior to final plat approval. RAE is responsible in ensuring the transfer of any existing water rights on the property occurs and Condition of Approval No. 32 is included to ensure this is documented with the final plat approval. Condition of Approval No. 30 speaks to the health and sanitation requirements.
- iii. **Stormwater Management.** The Subdivision will implement a Stormwater Pollution Prevention to mitigate any adverse impacts from stormwater as required by Condition of Approval No. 29.
- iv. **Lot and Block Design.** Section 6.C.2 of the Subdivision Regulations requires a minimum 400-foot length of block length, unless a waiver is requested to the County Commission and justification provided why “otherwise impractical.”
- v. **Pedestrian, Bicycle and Trail, and Transit Facilities.** In accordance with Section 4.5.1 of the Gallatin County Transportation Design and Construction Standards sidewalks (pedestrian facilities) will be installed on both sides of the interior subdivision road since the Subdivision’s net density is greater than 1 dwelling unit per half acre. The Triangle Trails Plan (Trails Plan) recommends a connector trail along the northern portion of the Subject Property where parkland is proposed by the Subdivider. Condition of Approval No. 23 is requiring the construction of such a connector trail as recommended by the Triangle Trails Plan, and ensures it is at least 6 feet wide and ADA accessible surfacing. Additionally, the Triangle Trails Plan recommends a commuter trail within the Gooch Hill Road corridor. The County Commission determined that this Triangle Trails Plan recommendation could be supported by adding a specific reference to the Gooch Hill Road commuter trail to Condition of Approval No. 20.

7. In accordance with Section 76-3-608(3)(b) & (c), MCA, the County Commission may not approve a subdivision application and preliminary plat unless:
- A. The Subdivision complies with the survey requirements of the Montana Subdivision and Platting Act. The County Commission concluded the Subdivision's final plat/site plan, if approved, would comply with the survey requirements of the Montana Subdivision and Platting Act.
 - B. The Subdivision complies with local subdivision regulations and the review process of the regulations with the Conditions of Approval.
 - C. The proposed Subdivision provides easements for the location and installation of any planned utilities. The County Commission concluded utility easements will be provided as the they will be shown on the face of the final plat.
 - D. The proposed Subdivision provides legal and physical access to each parcel within the subdivision. The County Commission concluded legal and physical access will be provided as the required notation of legal and physical access will be delineated on the face of the final plat.
 - E. The County Commission made additional Conclusions of Law as set forth in the recorded Hearing Record, which are hereby incorporated by this reference.

III. ORDER

In County Commission discussion, the Commission evaluated all submitted information, the Gallatin County Growth Policy, Gallatin County/Bozeman Area Plan and Future Land Use Map, Triangle Community Plan, Triangle Trails Plan, the Gooch Hill West Neighborhood Plan, the Gallatin County/Bozeman Area Zoning Regulations, Montana Subdivision and Platting Act, and the Gallatin County Subdivision Regulations.

After reviewing and considering the application materials, staff report, and written public comment, in accordance with the requirements of Section 6.C.2 of the Gallatin County Subdivision Regulations, Commissioner MacFarlane made a motion at 01:05:10 elapsed time to adopt the findings of the staff report and recommend approval of the allowance of block lengths less than 400 feet in length within the Sierra Vista Major Subdivision, with approval subject to all laws and regulations. The motion was seconded by Commissioner Brown. The County Commission made

findings in support of the motion starting at 01:05:40 elapsed time during discussion and at 01:06:08 elapsed time voted unanimously (3:0) to approve the motion.

After reviewing and considering the application materials, staff report, and public comment, in accordance with the requirements of Section 76-3-608 MCA and the Gallatin County Subdivision Regulations, Commissioner Brown made a motion at 01:09:01 elapsed time to recommend approval of the preliminary plat for the Sierra Vista Major Subdivision with approval subject to all laws and regulations, and the Staff suggested conditions of approval with the amendments presented by Staff in the handout, rewording condition no. 38 (Fallon Hollow to Falcon Hollow), and striking condition no. 39 in its entirety, and adding a specific mention of the Gooch Hill commuter trail to condition no. 20. Commissioner MacFarlane seconded said motion. The County Commission made findings in support of the motion following prior to the vote between 01:06:14 and 01:09:00 elapsed times, after the vote at 01:09:58 elapsed time, and at 01:11:50 elapsed time vote unanimously (3:0) to approve the motion.

THEREFORE, IT IS NOW HEREBY ORDERED that the preliminary plat for the Sierra Vista Major Subdivision be approved by the County Commission with conditions of approval listed below.

Procedural/Surveying:

1. The Subdivider shall have three (3) years from the date of preliminary plat approval to complete all conditions and apply for final plat approval for all phases. **Section 12 B. 1. Gallatin County Subdivision Regulations; §76-3-617 (3), MCA**
2. The final plat shall conform to the uniform standards for final subdivision plats and shall be accompanied by the required certificates. **§ 76-3-401 through 406 MCA, Administrative Rules of Montana. 24.183.1107**
3. The final plat shall contain the following statement to confirm that legal and physical access is provided to each lot in compliance with § 76-3-608(3)(d), MCA: "Legal and physical access must be provided to each subdivision lot. Subdivision road rights-of-way and easements shall comply with Section 6.D ("Roadway") of the Gallatin County Subdivision Regulations (March 11, 2021). In addition, all lot accesses must be built to the standards

required by the Gallatin County Transportation Design and Construction Standards (January 2020).” **§76-3-608 (3)(d), MCA; Local Services, Public Health and Safety**

4. The Subdivider shall record on the final plat or on a separate document a certificate of consent of mortgagee(s) for the subdivision if the property is subject to a mortgage(s).
Administrative Rules of Montana. 24.183.1107 (5) (a)

5. A copy of the following documents if applicable shall be submitted to the Gallatin County Attorney’s Office in one submittal, at least thirty (30) days prior to submitting an application for final plat approval to the Gallatin County Planning Department. Subdivider shall provide a cover letter with the submittal explaining which documents are being submitted and including the name of the subdivision and the date of preliminary plat approval:

- a. Articles of Organization or Incorporation for the Homeowner’s or Property Owner’s Association accompanied by a letter from the Secretary of State approving the Articles.
- b. Bylaws controlling the operation of the Homeowner’s or Property Owner’s Association.
- c. Restrictive and Protective Covenants encumbering the real property contained within the subdivision. All County required covenants shall be in a separate section and clearly delineated.
- d. Any and all public road easements.
- e. Any and all improvements agreements along with: (i) itemized estimates of the cost of improvements to be included in the agreement certified by a licensed engineer; and (ii) drafts of the form of financial security.
- f. Any and all required maintenance agreements, including road maintenance agreements.
- g. Any and all proportionate share agreements for transportation improvements.
- h. For commonly owned property, including parkland and Open Space, a copy of the deed(s) transferring ownership of the common property to a Property Owner’s Association.

Subdivider shall provide a cover letter to the Planning Department along with the submittal explaining which documents are being submitted and including the name of the subdivision and the date of preliminary plat approval. **Section 5.D.1 Gallatin County Subdivision Regulations; Public Health and Safety, Local Services**

6. Two copies of the subdivision guarantee issued by an authorized title insurer, or its title insurance producer shall be submitted along with a copy of the proposed final plat to the Gallatin County Attorney's Office at least thirty (30) days prior to submitting an application for final plat approval. The Gallatin County Attorney's Office shall review and approve the subdivision guarantee prior to final plat approval. **§76-3-612, MCA**

7. A Homeowner's or Property Owners' Association be formed for the maintenance of the dedicated parkland, Subdivision interior roads, trails, storm water infrastructure, and all other common property as agreed to by covenant recorded with the final plat. The Property Owners' Association shall be incorporated with the Montana Secretary of State. **Local Services, Public Health and Safety, and Natural Environment**

Phased Subdivision:

8. The Subdivider shall comply with the statutory and regulatory requirements for phased subdivisions as included in Section 12.B of the Gallatin County Subdivision Regulations (March 11, 2021). **§76-3-617 MCA; Section 12.B Gallatin County Subdivision Regulations; Local Services, Public Health and Safety**

Natural Environment:

9. A memorandum of understanding (MOU) shall be signed between the Gallatin County Weed Control District (District) and Subdivider. A copy of the signed MOU shall be submitted to the Gallatin County Planning Department at the time of application for final plat approval. **Natural Environment, Agriculture**

10. Prior to final plat approval of the subdivision, the Subdivider shall comply with all pre-final plat requirements of the approved *Weed Management Plan ("Plan")* for all onsite and offsite areas disturbed by any construction related activity.

Notwithstanding the above, all areas disturbed by construction, including areas on-site and areas off-site shall be, prior to final plat approval, sufficiently controlled for noxious weeds and sufficiently re-vegetated, as determined by the Gallatin County District, with grasses approved by the District. In addition, Subdivider shall, prior to final plat approval, provide evidence of all control and re-vegetation work (and any other pre-final plat vegetation management required by the *Plan*) to the District and the Planning Department.

The Subdivider may request that any required seeding and/or control of noxious weeds required to be completed prior to final plat be included in an Improvements Agreement, pursuant to the Section 7 B.1.g of the Gallatin County Subdivision Regulations. The Improvements Agreement shall state any seeding and weed control work required to be completed prior to final plat be conducted during the next season where seeding and weed control work can reasonably be accomplished.

For the control of noxious and nuisance weeds for any year beyond year one of the approved *Plan*, Subdivider shall enter into an Improvements Agreement, pursuant to Section 7.B.1.g of the Gallatin County Subdivision Regulations, with the Gallatin County County Commission.

The approved *Plan*, along with written approval from the District that all work required by the *Plan* prior to final plat approval was conducted in compliance with the *Plan*, shall be submitted to the Gallatin County Planning Department at the time of application for final plat approval. ***Natural Environment; Agriculture.***

11. All delineated wetlands that remain present on the Subject Property shall be delineated on the Final Plat. If construction or changes are proposed to the wetlands, the Subdivider shall provide evidence to the Gallatin County Planning Department of receiving a Section 404 Permit, and any other required permits, from the U.S. Army Corps of Engineers prior to final plat approval. ***Natural Environment***

Proportionate Share Agreement/Transportation Improvements:

12. The Subdivider shall improve Gooch Hill Road, between its intersection with Huffine Lane south to the intersection with Stucky Road to the standards for Minor Arterial Roads in the Gallatin County Transportation Design and Construction Standards, and the intersection of Gooch Hill Road and Huffine Lane to the Montana Department of Transportation's requirements, commensurate with the Subdivider's proportionate share of the Subdivision's impact to Gooch Hill Road and its intersection with Huffine Lane, or contribute the Subdivider's proportionate share of the costs of the improvements to Gallatin County. If the Subdivider elects to contribute their proportionate share, the Subdivider shall enter a proportionate share agreement with the Gallatin County Commission and receive approval from the County Commission prior to final plat approval.

Local Services, Public Health and Safety

Roads and Access:

13. Detailed grading and drainage plan shall be submitted to the County Engineering Department for approval, prior to the start of any construction of private or public improvements. The plan shall address the requirement for road name signs to be installed at all intersections, as well as STOP sign(s) at all intersections with County and State maintained roads. STOP signs and other regulatory or warning signs may also be needed on some internal roads and shall be addressed in the plan. All signage shall conform to the Manual on Uniform Traffic Control Devices (MUTCD), Current Edition and be installed prior to final plat approval. ***Local Services; Public Health and Safety.***
14. All interior roads shall be built to the County Transportation Design and Construction Standards and be within a 60-foot right-of-way or easement, dedicated to the public, unless other County Road standards apply. Roads dedicated to the public are accepted for public use, but the County accepts no responsibility for maintaining the same. ***Local Services; Public Health and Safety.***
15. The Gallatin County Commission shall have accepted and approved the public dedication of all interior roadways by resolution prior to final plat approval. ***§ 7-14-2101, MCA; § 76-3-***

608(3)(d), MCA; Sub Regs Sections 1.1.39, 6.B.8, and 6.D; Local Services; Public Health and Safety.

16. The Subdivider shall provide documentation from the Montana Department of Transportation verifying that mitigation requirements and/or improvements deriving from the Traffic Impact Study completed by Abelin Traffic Services (dated December 2021) have been completed for any improvements to the Huffine Lane and Gooch Hill Road intersection prior to the final plat approval. **Local Services, Public Health and Safety.**
17. A pre-construction meeting shall be scheduled with the County Engineering Department prior to the start of any construction of required improvements on the Subject Property and prior to final plat approval. **Local Services, Public Health and Safety.**
18. All roadwork shall be built to Montana Public Works Standard Specifications (Current Edition), inspected, and certified by a licensed engineer. Any deviation from these standards must be certified by an Engineer in coordination with the County. Such inspections and certification shall be provided to the County Engineering Department office in writing prior to final plat approval. **Local Services. Public Health and Safety.**
19. For all onsite and offsite road improvements, a 2-year written warranty from the project contractor to Gallatin County shall be submitted to the County Road and Bridge Department office prior to final plat approval. **Local Services, Public Health and Safety**
20. The Subdivider shall record on the final plat a waiver of right to protest creation of rural improvement districts related to transportation improvements to Gooch Hill Road, including the commuter trail. The waiver of right to protest shall be valid for 20 years after the date that the final subdivision plat is filed with the Gallatin County Clerk and Recorder. **Local Services, Public Health and Safety**
21. All new road names for the interior subdivision roads and existing access roads shall be verified by the Gallatin County GIS Department prior to final plat approval. **Local Services, Public Health and Safety**

Parkland/Trails:

22. The final plat shall show and dedicate all parkland to the public as shown on the preliminary plat. At the time of recording the final plat, the Subdivider shall record deed(s) transferring ownership of the parkland to the property owner's association. Land dedicated for park land and recreational purposes shall not be used for the location of water supply and sewage disposal facilities, or storm water detention. Fire fill site ponds may be located within a dedicated park, however, the surface area of the pond cannot count towards the required park dedication. **Local Services**

23. Per the Triangle Trails Plan's recommendation, a 6-foot-wide connector trail with ADA accessible surfaces shall be established along the northern perimeter of the Subdivision where the 25-foot wide parkland area is proposed, and a detailed plan of its location shall be provided to the Gallatin County Planning Department prior to final plat approval. **Local Services, Public Health and Safety**

24. All trail corridors shall be established through a dedicated right-of-way or a public easement shown on the final plat. The trail improvements including its surfacing shall meet the standards set forth in Section 4.5.2 of the Gallatin County Transportation Design and Construction Standards. Trail facilities shall have appropriate commitments for ongoing maintenance, typically by the property owners or a property owner's association as agreed to by covenant applicable to the property on which the facilities are located. **Local Services, Public Health and Safety**

Utility Easements:

25. All utility easements are to be shown on the final plat. Utility easements shall be centered along side and rear lot lines wherever possible, and shall be twenty (20) feet wide, unless otherwise approved by all utility providers. Underground utilities, if placed in the road right-of-way, shall be located between the roadway and the right-of-way line. Such underground facilities shall be installed, or utility culverts provided before the road is surfaced. (Gallatin County Subdivision Regulations Section 6.F.2) In addition, the following statement must appear on the final plat: *"The undersigned hereby grants unto each and*

every person, firm, or corporation, whether public or private, providing or offering telephone, telegraph, electric power, gas, cable television, water or sewer service to the public, the right to the joint use of an easement for the construction, maintenance, repair and removal of their lines and other facilities, in, over, under, and across each area designated on this plat as 'Utility Easement' to have and to hold forever". **Local Services, Public Health and Safety**

Fire Protection:

26. The Subdivider shall provide a Fire Protection method in accordance with the Gallatin County Subdivision Regulation. The Subdivider shall have the Hyalite Rural Fire District review the Fire Protection method and all fire protection requirements per the Gallatin County Subdivision Regulation prior to final plat approval. The Subdivider shall obtain written verification from the Hyalite Rural Fire District that the required fire protection requirements of the Gallatin County Subdivision Regulation have been met. **Local Services, Public Health and Safety**

27. The Hyalite Rural Fire District shall be granted standing in the covenants of the subdivision for the purposes of enforcing all fire protection requirements. A fire protection note calling attention to the fire protection requirements, approved by the Hyalite Rural Fire District, shall be placed on the final plat. **Local Services, Public Health and Safety**

28. If the Subdivider chooses to have the Hyalite Rural Fire District conduct the required testing and/or plan review, all fees for fire protection water supply testing (\$300 + \$10 per hydrant) and all fees for fire sprinkler system plan review and testing (\$200 per system) shall be paid by the Subdivider as part of the application for final plat approval. **Local Services, Public Health and Safety**

Stormwater Control:

29. The Subdivider shall provide a copy of the Montana Department of Environmental Quality Stormwater Discharge Permit for construction to the Gallatin County Planning Department prior to final plat. Temporary erosion control measures shall be installed and continuously maintained for the duration of construction and the Subdivider shall adhere to construction

best standards as identified in the MDEQ Water Quality Bureau "Montana Sediment Erosion Control Manual." ***Natural Environment***

Water and Sewer:

30. The Subdivider shall make a concurrent submittal to the Montana State Department of Environmental Quality and the Gallatin City-County Environmental Health Department and receive approval for the Subdivision from both organizations prior to final plat approval.

Local Services, Public Health and Safety

31. The Subdivision shall install complete water system facilities in accordance with the requirements of the Rae Water and Sewer District, and Montana Department of Environmental Quality (MDEQ). The Subdivider shall submit plans and specifications for the proposed facilities to the water district involved and to MDEQ and shall obtain their approvals prior to undertaking any construction affiliated with the Subdivision and prior to final plat approval. ***Local Services, Public Health and Safety***

32. Proof of the Subdivision meeting the requirements of 76-3-504(1)(j), MCA, regarding the disclosure and disposition of water rights, shall be provided to the Gallatin County Planning Department and will be accomplished before the final plat approval. ***Local Services, Public Health and Safety***

Agricultural Water User Facilities:

33. A 20-foot total non-interference setback (10 feet either side) shall be provided for the water conveyance facility/irrigation ditch that is planned to be piped on the Subject Property. The setback and any affiliated easement must be shown on the final plat.

Agricultural Water User Facilities

34. The following note shall appear on the final subdivision plat: "*Any water conveyance facility non-interference setback shown on the subdivision plat does not eliminate any secondary easement described by Section 70-17-112, MCA*" ***Agricultural Water User Facilities***

35. The Subdivider shall not undertake any activity that would result in the interference or obstruction in the transmission of water in any water conveyance facility. Before any maintenance, improvements, or modifications are performed on any water conveyance facility, written permission must be obtained from the water users and/or water conveyance facility's authorized representatives. Upon completion of maintenance, improvements, or modifications to any water conveyance facility, the Subdivider shall provide written notice to the water users and/or water conveyance facility's authorized representatives and allow them an opportunity to inspect such work. ***Agricultural Water User Facilities***

Mailbox Location:

36. The Subdivider shall consult with the US Postal Service with regard to mail service, and the type and location of mail receptacles. If mail delivery will not be to each individual Lot within the Subdivision, the Subdivider shall provide an off-road area for mail delivery within the Subdivision in cooperation with the United States Postal Service. Mailboxes installed within County Road Rights-of-Way are subject to the requirements of the Gallatin County Transportation Design and Construction Standards. ***Local Services***

County Required Covenants

37. A full executed and notarized copy of the protective covenants for the Subdivision shall be recorded among the records in the Office of the Clerk and Recorder of Gallatin County simultaneously with the filing of the final plat. The Subdivider shall record the following covenants on or with the final plat:
- a. *The control of noxious weeds by the property owner's association on those areas for which the association is responsible (right(s)-of-way, easement(s), parks, and any other common areas) and the control of noxious weeds by individual property owners on their respective lots shall be as set forth and specified under the Montana Noxious Weed Control Act (MCA 7-22-2101 through 7-22-2153) and the rules and regulations of the Gallatin County Weed Control District. The control of Noxious Weeds is the responsibility of the property owner whether the lot is improved or unimproved and shall be as set forth and specified under the Montana Noxious Weed Control Act (MCA § 7-22-2101 through 7-22-2153 as amended) and*

*the rules, regulations, and management Plans of the Gallatin County Weed Control District. The property owner shall be responsible for the control of State and County declared noxious weeds on his or her lot, and the Subdivision road right-of-way and/or road easement(s) adjoining their property. In the event a property owner does not control the noxious weeds, after 10 days' notice from the property owner's association, the association may cause the noxious weeds to be controlled. The cost and expense associated with such weed management shall be assessed to the lot and such assessment may become a lien if not paid within thirty (30) days of the mailing of such assessment. Nothing herein shall require or obligate the Gallatin County Weed District to undertake any management or enforcement on behalf of the property owner's association or property owners that is not otherwise required by law, or the rules, regulations, and management plans of the Gallatin County Weed District. **Natural Environment and Agriculture***

- b. All structures shall be constructed in compliance with Montana State adopted codes for construction, including codes for the pertinent seismic zone, and current building codes. **Public Health and Safety.***

- c. Design and construction of the subdivision and all buildings within the subdivision must conform to the current adopted edition of the International Fire Code and appendices; 2012 Ed. (IFC) and Gallatin County Subdivision Fire Protection Requirements and appendices. **Public Health and Safety***

- d. The Hyalite Rural Fire District, shall be made party to these covenants for the purpose of enforcement of the fire covenants. Compliance with and enforcement of the fire protection covenants and requirements is primarily the responsibility of the property owners and their association. Should it become necessary for the Hyalite Rural Fire District, to take steps to enforce these covenants, including filing a court action, Hyalite Rural Fire District, shall be entitled to recover the reasonable expenses of such action, including court costs and attorney fees. **Public Health and Safety***

- e. *Any fire protection covenant required as a condition of final plat approval, whether explicitly stated in the conditions or left to the discretion of the Hyalite Rural Fire District, shall be maintained in perpetuity and may not be amended or revoked without the consent of the Fire District. **Public Health and Safety***
- f. *Temporary erosion control measures shall be installed and continuously maintained for the duration of construction and shall include:*
- *All non-construction areas shall be clearly marked and protected during construction by fencing or other identification;*
 - *The protection of loose piles of clay, debris, sand, silt, or other earthen material during periods of precipitation or runoff with filter fabric fence, hay bales, temporary gravel, and/or earthen or sand bag dikes; and*
 - *All soil disturbance activities shall cease if adverse weather conditions exist. Adequate temporary erosion control measures shall be immediately installed during adverse weather conditions. **Natural Environment and Public Health and Safety***
- g. *No water wells, for either domestic or irrigation purposes, shall be allowed on all individual developable lots. **Natural Environment and Public Health and Safety***
- h. *Lot purchasers are hereby notified that State of Montana law provides specific protections in regards to liability and nuisance claims for agricultural operations and irrigators. Those specific protections include, but are not limited to Section 85-7-2211, MCA; Section 85-7-2212, MCA; and Section 27-30-101, MCA. **Agricultural Water User Facilities***
- i. *No water may be removed from any irrigation ditch, canal, or other water conveyance facility without a water right, permit, or written water lease agreement with the appropriate water users and/or water conveyance facility's authorized representatives. **Agricultural Water User Facilities***

- j. *Unless there is written consent from the appropriate water users and/or water conveyance facility's authorized representatives, stormwater, snowmelt runoff, water from dewatering practices, or other water originating from within the boundaries of the subdivision shall not discharge into or otherwise be directed into any irrigation ditch, canal, pipeline, or other water conveyance facility. **Agricultural Water User Facilities***
- k. *Property owners shall remove any trash or debris that originated from within the subdivision and has accumulated in the water conveyance facilities passing through the subdivision by no later than May 1st of each year. If any lot owner fails to remove the trash or debris as described above, the water users and/or water conveyance facility's authorized representatives may cause the trash or debris to be removed and bill the lot owner for such efforts. **Agricultural Water User Facilities***
- l. *Property owner's association and property owners are hereby notified of the water users, water conveyance facility's authorized representatives, and/or their designee's right to access the property to maintain and repair the water conveyance facility (this includes, but is not limited to, placement of excavated material, removal of vegetation and debris along the water conveyance facility); to install, repair, and or adjust headgates and other diversion structures; and to carry out other normal means of repair and maintenance related to the ditch/canal. **Agricultural Water User Facilities***
- m. *To assure non-interference with water conveyance facilities, any new structures (other than structures for the maintenance and operation of the water conveyance facility), fences, landscaping (other than grass), or roads, may not be installed or erected within the water conveyance facility non-interference setback, except where agreed to in writing by the water users and/or water conveyance facilities authorized representatives. **Agricultural Water User Facilities***
- n. *Lot owners shall not undertake any activity that would result in the interference or obstruction in the transmission of water in the water conveyance facility. Before*

*any maintenance, improvements, or modifications are performed on any water conveyance facility, written permission must be obtained from the water users and/or water conveyance facility's authorized representatives prior to commencing such work. Upon completion of maintenance, improvements, or modifications to any water notice to the water users and/or water conveyance facility's authorized representatives and allow them an opportunity to inspect such work. **Agricultural Water User Facilities***

- o. All drive accesses installed, altered, changed, replaced or extended for any developable lot shall abide by the latest version of the Gallatin County/Bozeman Area Zoning Regulation, or any zoning regulation that replaces the Gallatin County/Bozeman Area Zoning Regulation, and the latest version of the Gallatin County Transportation Design and Construction Standards. **Public Health and Safety***

- p. All on-site parking required for any developable lot shall abide by the latest version of the Gallatin County/Bozeman Area Zoning Regulation, or any zoning regulation that replaces the Gallatin County/Bozeman Area Zoning Regulation. **Public Health and Safety***

- q. Gallatin County is an intended third-party beneficiary of these county-required covenants. Compliance with and enforcement of these covenants is primarily the responsibility of the property owners and their association. However, Gallatin County has the right to seek enforcement of these county required covenants through any action in law or in equity, and against individual property owners or their association. Should it become necessary for Gallatin County to take steps to enforce these covenants, the County is entitled to recover its costs, expenses, and reasonable attorney's fees of the Gallatin County Attorney. **Wildlife, Agriculture, Natural Environment and Public Health and Safety***

- r. Any covenant, which is included herein as a condition of the preliminary plat approval and required by the County Commission shall not be amended or revoked*

*without the mutual consent of the owners, in accordance with the amendment procedures in the covenants, and the County Commission. **Wildlife, Agriculture, Natural Environment and Public Health and Safety***

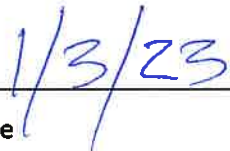
Shared Maintenance:

38. The Subdivider shall participate with the Falcon Hollow and Woodland Park Homeowner's/Property Owner's Associations for a proportionate share of the maintenance and snow removal of Rowland Road, Talon Way, Noble Peak Drive and Willow Peak Drive, if an agreement can be consummated by the applicable Associations. A copy of any agreed upon maintenance agreement(s) shall be submitted to the County Engineering Department. **Local Services, Public Health and Safety**

A party, as defined by 76-3-625 M.C.A., who is aggrieved by a decision of the Commission may, within thirty (30) days after this decision, appeal to the Gallatin County District Court.

GALLATIN COUNTY COMMISSION


_____, Chair


Date

Gallatin County Commission



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