

**BEFORE THE
BROADWATER COUNTY COMMISSION
BROADWATER COUNTY, MONTANA**

FINDINGS OF FACT AND ORDER

**IN THE MATTER OF THE APPLICATION OF STEVE AND SUSIE
CAVANAUGH FOR PRELIMINARY PLAT APPROVAL OF THE ROLLING
GLEN RANCH PLANNED UNIT DEVELOPMENT MASTER PLAN:**

PURSUANT to the Montana Subdivision and Platting Act, Section 76-3-101 through 76-3-614, Montana Codes Annotated, and the Broadwater County Subdivision Regulations, the Broadwater County Planning Board reviewed the proposed Master Plan for 2,497 residential single-family lots, 3 condominium lots, 72 commercial lots, 10 civic lots, 2 lots for lodges and 15 lots for a golf course as submitted by the applicant, together with the required supplementary plans and information, to determine if the information submitted meets the requirements of the Montana Subdivision and Platting Act and the Broadwater County Subdivision Regulations. The Planning Board considered all submitted reports, exhibits, etc., and listened to public testimony and considered written comments.

THEREFORE, with completion of the review and the receipt of all public input the Planning Board being fully advised of all matter presented to it regarding this application, the Planning Board makes the following Findings of Fact:

FINDINGS OF FACT AND ORDER

ROLLING GLEN RANCH PLANNED UNIT DEVELOPMENT MASTER PLAN

January 31, 2007

To: Broadwater County Commissioners
From: Broadwater County Planning Board
Subject: Rolling Glen Ranch Planned Unit Development Master Plan

GENERAL INFORMATION

DATE OF APPLICATION: August 18, 2006
REVIEW PERIOD ENDS: March 5, 2007

PUBLIC MEETING DATES:

Public Hearing – January 18, 2007

APPLICANT: Steve and Susie Cavanaugh
P.O. Box 384
Belgrade, MT 59714

APPLICANT'S REPRESENTATIVE: WGM Group, Inc.
3021 Palmer
Missoula, MT 59808-6027

LEGAL DESCRIPTION: Sections 5, 6, 7, and 8, T2N, R1E, P.P.M., Broadwater County, Montana.

GENERAL LOCATION: The proposed subdivision is located approximately 4 miles northwest of the U.S. I-90 and US Hwy 287 interchange

DESCRIPTION

PROPOSAL:

The Rolling Glen Ranch Planned Unit Development (PUD) is a master plan with thirty-four (34) phases. Phases 1-4 are platted in the original Rolling Glen Ranch and the Rolling Glen Ranch PUD covers phases 5-34. The Rolling Glen Ranch PUD proposes to develop two thousand five hundred and ninety-nine (2,599) lots. Of the two thousand five hundred and ninety-nine lots two thousand four hundred and ninety-seven (2,497) lots are proposed to be residential, single family lots. Additionally there will be three (3) lots proposed for condominiums, seventy-two (72) commercial lots, ten (10) civic lots, two (2) lots with lodges, and fifteen (15) lots for a golf course. The application indicates that the PUD will be created from a 1729.11-acre parcel of land; however, a boundary survey done by Schauber Surveying indicates that the total gross acreage of the

subdivision is 1,724.10-acres. The minimum and maximum size lots were not provided in the application. New public systems are proposed for water supply and for wastewater treatment. Primary access to the proposed subdivision will be off of Wheatland Road and Price Road. The required review fee of \$8,000 has been paid.

DISCUSSION:

Test pit information was provided in section 8 of the master plan along with a soils summary. The Applicant indicates that a total of eighty-six (86) test pits have been analyzed between two contractors; however, since a Membrane Bioreactor wastewater treatment and disposal system is being proposed, excavating and analyzing more than eighty-six (86) test pits may not be necessary. Water and sanitation information has been reviewed under Montana Code Annotated 76-3-622 and is subject to review by the County Sanitarian, Julie Lethert, and the Montana Department of Environmental Quality (DEQ).

The Applicant is proposing a Membrane Bioreactor wastewater treatment and disposal system. This system was chosen because there is no existing wastewater treatment plant in the vicinity of Rolling Glen Ranch and extending the Three Forks Treatment plant would be costly and the plant could potentially not have the capacity for the proposed subdivision at full build out. The Applicant indicates that the sewer system will be constructed in three (3) phases, expanding as the development grows. A wastewater treatment and disposal system report is provided in section 6 of the application.

A public water supply system is proposed for the Rolling Glen Ranch PUD. The water supply system is subject to the review done by the Montana Department Environmental Quality (DEQ). The wells used to supply the water system will be required to meet the requirements of the Department of Natural Resources and Conservation (DNRC) prior to any water usage. This is required due to the wells exceeding 35 gallons per minute (gpm). Tables are provided in section 7 of the application depicting the predicted water usage during phase 1 and at full build-out. A water systems report, which includes information on three (3) on-site test wells, is provided in section 7 of the application.

Covenants are proposed for the Rolling Glen Ranch PUD and a draft copy is provided in Appendix 4 of the application. A homeowners' association is to be created when fifty-one percent (51%) of the lots are sold and an architectural committee will be formed when one hundred percent (100%) of the lots have been sold. Within the covenants a section is provided laying out the land use classification standards and permitted uses.

The Broadwater County Planning Office has received a copy of the fire plan submitted to the Three Forks Fire Department; however, an approved copy has not been received. The Applicant indicates that there is an existing 20,000-gallon elevated storage tank currently installed as part of phases 1 and 2 of Rolling Glen Ranch. For phases 3 and 4 a cash-in-lieu payment of \$500 per lot is required. For the PUD the Applicant proposes a community water system for fire flows, which will consist of an elevated 500,000-gallon storage tank, which will provide a minimum fire flow of 1,000 gpm for 2 hours. Of the 500,000 gallons, 120,000 gallons will be dedicated for fire flows. The Applicant has also indicated that fire hydrants will be located throughout the subdivision and a Rolling Glen Ranch Fire District will be formed.

A traffic impact study was provided with supplemental information and analyzes the impact that the combination of existing traffic and projected traffic will have on Wheatland Road, Price Road and U.S. Highway 287. The study used a combination of current traffic studies from existing and proposed subdivisions in the area, a traffic study done by the Montana Department of Transportation (MDT) and their own traffic counts. The study covers present time to the anticipated full build-out of all the proposed subdivisions, which is 2036. At full build-out it is anticipated that 44% of the traffic will be generated from the Rolling Glen Ranch PUD, 42% from other subdivisions and 14% from existing traffic. Verification of trip estimates and percentages will be required in future phase submittals. A table is provided in the Traffic Impact Study estimating the number of trips generated based on land use for the PUD (i.e. single family home, commercial, school, etc.) To conclude, the study indicates that if development progresses in the study areas currently planned, major improvements to U.S. 287 may be required.

A report was provided to the Planning Department from Fire Logistics Incorporated analyzing the fire protection impacts to the public and the Three Forks Rural Fire District, mitigation measures and proposed conditions of approval.

Review is performed pursuant to the Montana Subdivision and Platting Act, Section 76-3-101 through 76-3-614, Montana Codes Annotated and the Broadwater County Subdivision Regulations. The proposed master plan, Rolling Glen Ranch Planned Unit Development, as submitted by the applicant, together with the required supplementary plans and information, appear to satisfy the requirements of these regulations and with the Broadwater County Growth Policy Plan dated July, 2003.

PHYSICAL CONDITIONS:

A USGS vicinity map and master plan for Rolling Glen Ranch Planned Unit Development are provided in the master plan submittal. The Applicant indicates that no rock outcropping or the presence of bedrock has been identified on the property. Also indicated in the application is that the proposed subdivision is not within a floodplain. However, there is an unnamed drainage running from the southwest corner that provides a hydrologic connection to Mud Springs Gulch and into the Jefferson River.

WATER SUPPLY:

A public community water system is proposed to serve the Rolling Glen Ranch Planned Unit Development. The system will consist of ground water supply, an elevated storage reservoir, distribution mains and service to each lot. It is anticipated that six public water supply wells will be required at full build-out to satisfy the average daily water use projected at 1,505,391 gallons per day and peak demand uses. The developer proposes to install fire hydrants throughout the development spaced at approximate 500-foot intervals in accordance with the National Fire Protection Association. Information for three (3) onsite test wells along with two nearby irrigation wells has been provided in section 7 of the application. Average total depth of the two (2) irrigation wells provided is 173 feet, static water level is approximately 22 feet, and average yield is 1,250 gallons per minute (gpm). Laboratory analyses for water samples collected from the three (3)-onsite test wells are included in the information provided in Section 7 of the master plan submittal. The results reveal levels of Nitrate + Nitrite ranging from 0.27 mg/L to 0.38 mg/l, specific conductivities ranging from 635 umhos/cm to 803 umhos/cm, and an absence of Total Coliform Bacteria.

WASTEWATER TREATMENT:

A new public community wastewater treatment system is proposed for the Rolling Glen Ranch PUD. A preliminary wastewater treatment and disposal system report was provided with the submitted information. The developer is proposing a Membrane Bioreactor (MBR) wastewater treatment and disposal system in order to adequately treat the wastewater effluent to levels suitable for reuse for irrigation and/or groundwater recharge. The sewer system is proposed to be constructed in three phases. The MBR treatment plant will have the capacity to treat approximately 848,000 gallons per day of wastewater generated from the PUD at full build-out. The Montana Department of Environmental Quality (DEQ) under the Sanitation in Subdivisions Act will review the adequacy and impact that the proposed community wastewater treatment systems will have on groundwater quality. DEQ will issue a determination of non-significant impacts in a Certificate of Subdivision Approval, which must be presented to the County for recordation of the final plat.

SOLID WASTE:

Lot owners will be responsible for disposal of their own solid waste. Subdivision residents will have the option of hiring an independent contractor such as Allied Waste Services to pick up their solid waste or transporting it themselves to the Logan Landfill.

DRAINAGE:

A storm water drainage report is included in section 5 of the submittal. The report indicates that roadside curb-and-gutter will intercept the majority of stormwater runoff and will be collected at catch basins into storm sewers of various diameters. One significant ephemeral drainage crosses the property that drains naturally occurring runoff southwest to northeast. The storm sewer will discharge into detention ponds and connecting channels, which will be distributed throughout the golf course and common areas. It is indicated that the ponds and channels will serve multiple functions for the development including visual amenities to the development, reduction of offsite flow rates from precipitation events, capture of sediment from runoff, and routing of large storms safely through the development. The Applicant indicates stormwater infrastructure will be designed to completely contain runoff from a 10-year recurrence storm. It was indicated that during larger storms, water may spread out onto the golf course and common areas but will not pool onto lots or building sites.

EVALUATION CRITERIA

PRESENT LAND USE:

The current land use of this 1724.10-acre parcel of land is agricultural.

EFFECTS ON AGRICULTURE:

The subdivision will have an effect on agricultural productivity since approximately 1700-acres will be removed from the production of crops. No acreage will be removed from the production of livestock. Information on the acres per animal unit month and yield per acre is provided in section 9 of the application. The agricultural criterion indicates that the proposed subdivision was part of an economically viable farm unit and a few select areas are considered to be prime farmland if irrigated and farmland of statewide importance. A farmland map is provided in section 9 of the submittal that

indicates one area of prime farmland if irrigated and several areas of farmland of state importance.

The NRCS land capability classification has been provided. This subdivision is considered to be compatible with surrounding uses. No conflicts between the proposed subdivision and adjacent farm operations have been identified. It will not interfere with the movement of farm machinery or operation of irrigation systems or diminish the availability or quality of water for irrigation. The proposed subdivision will not interfere with the movements of livestock.

The responsibility to control noxious weeds will be the developer's until it is turned over to the landowners.

The NRCS soil types present on the property are numerous and have been identified in section 9 of the application on the soils analysis map. The basic soil types indicate loams, sandy clay loams, silt loams, clay loams, silty clay, silty clay loams and channery loams.

ENVIRONMENTAL ASSESSMENT CRITERIA

An Environmental Assessment (EA) was prepared and is found in section 3 of the master plan. Letters requesting input from public agencies, along with responses received are provided in section 13.

GEOLOGY:

The application indicates no falls, slides or slumps or adverse soil, rock, mud or snow, have been identified on the property and that no rock outcroppings have been identified on the property. Major drainage ways that traverse the property, and a hill in the northeast corner, are indicated as the only limiting factors for development. The project site is in a moderate seismic area with a Zone 3 seismic rating. It is indicated that the nearest fault is four (4) miles east of the project site.

The environmental assessment also indicates that winds can affect the area and improperly designed structures, utilities, and trees can be affected.

VEGETATION:

There are no marsh, shrub or forestlands located on the subject property. Vegetation consists of grasses typical of prairies and there are few cottonwoods within the drainage ways. No infestations of weeds have been identified on the subject property; however, spraying will be done as needed and recommended by the County Weed Supervisor. The weed plan indicates that the disturbed areas will be reseeded with a certified weed free seed mix. The developer is responsible for ensuring noxious weeds are controlled in the subdivision until all lots are sold or responsibility is turned over to the landowners.

EFFECTS ON WILDLIFE AND HABITAT:

The environmental assessment indicates that deer, antelope, coyotes, rabbits, mice, birds, reptiles and amphibians can be found on the subject property. A letter has been provided in Appendix D of the Environmental Assessment from the Montana Natural Heritage Program dated July 11, 2006 indicating that there are 7 bird species of concern.

The Applicant indicates that ponds, parks and open spaces are proposed which would provide some habitat for wildlife species and covenants are in place to help mitigate the displacement of species.

EFFECTS ON HISTORICAL FEATURES:

The Applicant indicates that the Montana State Historic Preservation Office (SHPO) was contacted and that SHPO indicated there are two sites on the subject property containing dinosaur fossil sites.

A letter from Rebecca R. Hanna, a Paleo Consultant, was also provided Appendix E of the Environmental Assessment along with a paleontological evaluation regarding the two sites (24BW690 and 24BW938). Both sites are within the Climbing Arrow Formation and fossils have been produced that are approximately 37 million year old. Site 24BW690 occurs along the north side of Wheatland Road and site 24BW938 is located approximately north to northeast in NE ¼ NE ¼ SW ¼, Section 8, T2N, R1E. The letter describes what has been found at these sites and Ms. Hanna's recommendation as to the future treatment of these sites depending on the amount of disturbance proposed to be done.

Should additional cultural resources be inadvertently discovered during this project, the developer will contact the office of the State Historic Preservation Office (SHPO).

EFFECTS ON ROADS:

Primary access to all lots will be from either Price Road or Wheatland/Rolling Glen Ranch Roads. No lot will have direct access from these two roads; however, access will be from the road network within the subdivision. A road network currently exists within the subdivision and several more roads are proposed. Rolling Glen Ranch Road has been proposed to be realigned to accommodate the PUD. The Developer has entered into a road improvement agreement guarantee for Wheatland Road and Rolling Glen Ranch Road as part of the conditions of approval for Phases 1 and 2. The developer has also purchased land along Price Road and has plans to improve Price Road to provide one of the main access points to the PUD. The Applicant indicates that Rolling Glen Ranch has received permission from the Montana Department of Transportation of relocate the Price Road intersection with U.S. Highway 287 to provide a ninety-degree approach angle and construct a left-turn deceleration lane to U.S. Highway 287 to enhance safety.

The Applicant indicates that approximately 10,000 site-generated trips per day are anticipated for Price Road and 9,500 site-generated trips per day on Wheatland Road at full build-out. The amount of trips created from the proposed subdivision will have a major impact on Wheatland Road, Price Road and U.S. 287. To mitigate the effects of the increase the developer will be participating in a cost-share agreement for the upgrading of Wheatland Road, a portion of Price Road, and turning lanes for U.S. 287 at the intersections of Price Road and Wheatland Road. A Traffic Impact Study has been provided to the Broadwater County Planning Department and the Montana Department of Transportation as supplemental information.

The applicant has stated that year round access will be provided to the subdivision and to all lots and common facilities within the subdivision. The homeowner's association will be responsible for maintaining access for non-county roads. All roads will be built to

either Broadwater County or the Montana Department of Transportation Standards and the developer will be responsible for providing funding for construction and installation of the subdivision roads. Roads internal to the subdivision will be maintained by the homeowner's association.

UTILITIES:

Vigilante Electric will provide electrical service to the subdivision. Natural gas service is not currently available. The Applicant is considering one of two options: 1) extend Northwestern Energy's existing gas main to the proposed subdivision or 2) Propane gas. A letter dated August 2, 2006 was received from Dan Snellman stating that there are no foreseen problems with capacity and that there are plans to increase capacity within the next 18 to 24 months. Qwest will provide phone service and phone lines currently enter the subdivision at Price Road. All new utilities including sewer mains and water mains will be placed underground and paid for by the original developer. The Applicant indicates that the utilities will be installed following approval of each phase.

EFFECTS ON EMERGENCY SERVICES:

Emergency services will be provided from Three Forks or Townsend. Three Forks is approximately seven (7) miles south of the project and Townsend twenty-five (25) miles north. Therefore, response times will vary.

The Three Forks Fire District will serve the proposed PUD; however, the Applicant is proposing to create a new fire district within the subdivision.

Law enforcement will be provided by the Broadwater County Sheriff's Department located in Townsend. The Applicant is proposing to provide a building to be used jointly between the fire department and sheriff's department. The building is proposed to be constructed in the downtown area of Rolling Glen Ranch.

Ambulance service will be provided by either the Three Forks Ambulance service or the Broadwater County Health Center. Medical services will be provided by the Broadwater County Health Center or Bozeman Deaconess Hospital.

Letters sent to the emergency services and responses were not provided in the application.

EFFECTS ON SCHOOLS

The proposed subdivision is in the Three Forks School System. According to the Growth Policy there is an average of 1.5 school-age children per lot; however, the applicant figured the number of children at $1,900 \times 0.6875$ resulting in 1,306 school-age children being added to the school district. Based on the Broadwater County Growth Policy average of 1.5 school-age children per lot and 2,497 single-family residential lots as outlined in the application, the number of children added to the school district at full build-out would be approximately 3,750 children. In either case, the number of students added to the Three Forks School system would significantly affect the schools. A letter from the school district was not provided.

The Applicant indicates that land will be dedicated to the schools for future use.

EFFECTS ON LAND USE:

Lands surrounding the proposed subdivision are primarily residential development; however lands to the south are still agricultural. The applicant has stated that a gravel pit will be in operation throughout multiple phases of the PUD. The gravel pit may result in noise and dust pollution. The Applicant indicates that the subdivision is designed to meet the criteria set forth in the Broadwater County Growth Policy.

EFFECTS ON PUBLIC HEALTH AND SAFETY:

No effects on public health and safety were identified in the subdivision application that were not previously identified.

PARKS AND RECREATION FACILITIES:

A proposed golf easement has been provided through the subdivision to provide park and recreational areas. The application indicates 260.57 acres are proposed for parks, open space, and/or common facilities.

ORDER

IT IS HEREBY ORDERED that the preliminary plat for the Rolling Glen Ranch Planned Unit Development Master Plan is approved, subject to the conditions listed below. Final plat approval shall be contingent upon completion and compliance with these conditions:

1. Prior to submittal of future phasing applications, plans for sewage treatment and water supply shall be submitted to the Montana Department of Environmental Quality for review and approval. The Certificate of Subdivision Approval shall be on file prior to submittal of future phasing applications. All specifications in approved plans shall be met. (*Sections 76-4-101, et. Seq., MCA; Sections 17.36.101, et. seq., ARM; Sections 76-3-102(4), 501(1)(f)(iii), and 608(3)(a), MCA; Sections IV-A-10. and IV-A-11., County Subdivision Regulations*)
2. Upon submittal of future phasing applications, the applicant will be required to provide substantial proof that the wastewater treatment system proposed will be adequate for the first phase submittal of the Master Plan, will be functional for that phase, and will not result in substantial odor problems to the subdivision. (*MCA 76-4-104 (ii)(d), County Subdivision Regulations*)
3. The applicant will be required to provide documentation from the receiving landfill that the solids produced from the proposed Wastewater Treatment Plant can be received and are acceptable for disposal upon submittal of the first phase of the Master Plan. (*MCA 76-4-104(ii)(h)*)
4. Upon submittal of future phasing applications, a stormwater drainage plan, meeting the requirements of the County Subdivision Regulations and drafted by an engineer registered in the State of Montana, shall be submitted to the County Planning Department for review and recommendation. All specifications and requirements of the approved plan shall be met. (*Sections 76-3-102(4), 501(1), 504(1)(f)(ii) and 76-3-608(3)(a), MCA; Section IV-A-9., County Subdivision Regulations*)

5. All roads will be required to be designed in accordance with the Broadwater County Road Standards or AASHTO where applicable, to the applicable standard based on the Traffic Impact Study contained in the PUD application, stamped by a Professional Engineer, and submitted to the County Planning Department for review and approval. A letter from the P.E. and County Road Supervisor shall be provided to the County stating that the roads and any improvements have been constructed in accordance with the approved plans and specifications and that he/she has completed an inspection of the roads and any improvements. (*County Subdivision Regulations IV-A-8(a)(b)*)
6. The applicant will be required to submit the PUD master plan plat drawings in electronic format to Broadwater County in ArcGIS, AutoCad or Microstation format. Future phase submittals will also be required to submit the plat drawing electronically to Broadwater County in ArcGIS, AutoCad or Microstation format. Additional materials may be requested by the County in electronic format to facilitate review of application materials.
7. Upon submittal of future phasing applications, Approach Permits shall be requested from the County Road Department for the access off of Wheatland Road and Price Road. All requirements of the approved permits shall be met. (*Sections 76-3-102(3 and 4), 501(1), 504(1)(f)(i), and 608(3)(a), MCA*)
8. Prior to any development and/or soil disturbance, a Weed Management Plan for the proposed development shall be submitted to the County Weed District for review and approval. All specifications and requirements of the approved plan shall be met (*Sections 76-3-102(5 and 6), 501(1), and 608(3)(a), MCA; Section IV-A-18., County Subdivision Regulations*)
9. The applicant shall install a community water system with adequate flow for fire protection requirements in accordance with the Broadwater County Subdivision Regulations to serve each phase of the Master Plan submitted for final plat approval; and the applicant shall use their best efforts to work with the Three Forks Rural Fire District or its designated representative to adequately address the Fire Risk Analysis, Findings of Fact and Mitigation Measures report prepared by Fire Logistics, Inc. dated January 5, 2007, with contributions by the applicant for mitigation of fire risks not to exceed the per lot cash in lieu fee for water supply as defined in the Broadwater County Subdivision Regulations in effect at the time of each phase submittal or an impact fee in place at the time of the phase submittal. Validation of conformance with this requirement shall be submitted to the County Planning Department prior to final plat approval of each phase. All specifications of the approved plan shall be met. (*Section 76-3-608(3)(a), MCA; Section IV-A-16., County Subdivision Regulations*)
10. In the Environmental Assessment, Part D, Historical Features, it is explained that two dinosaur fossil sites are identified within the property. Permission must be granted by the Montana State Historic Preservation Office before any disturbance may occur near these sites. (*County Subdivision Regulations VI-B-2(d)*)
11. Upon submittal of future phasing applications, the internal access roads shall be given unique road names that are reviewed and approved by the County Planning Department. The name of the internal access roads shall be shown on the face of the plat and reflected in all documents of the subdivision

(covenants, road easements, etc.). (*Sections 76-3-102, 402, 501, 504, and 608(3), MCA; Section 8.94.3003, ARM; County Subdivision Regulations*)

12. Based on future phasing the Applicant will be required to fund or improve and pave a proportionate share of Price Road from its intersection with U.S. Highway 287 to the furthest point where Price Road is adjacent to the Rolling Glen Ranch property. The road improvements would have to be constructed to a minimum of the County road design standards based on the RGR Traffic Impact Study contained in the PUD application and must be certified as meeting County Road Standards by a registered engineer. All specifications and requirements of the approved plan shall be met. Final plans for the improvements will be submitted to the County Planning Department for approval prior to construction. (*County Subdivision Regulations*).
13. Based on future phasing the Applicant will be required to improve and pave Rolling Glen Ranch Road through the proposed subdivision. The road improvements would have to be constructed to a minimum of the County road design standards based on the RGR Traffic Impact Study contained in the PUD application and must be certified as meeting County Road Standards by a registered engineer. All specifications and requirements of the approved plan shall be met. Final plans for the realignment of Rolling Glen Ranch Road will be submitted to the County Planning Department prior to construction. (*County Subdivision Regulations*).
14. Based on future phasing the Applicant will be required to fund or improve and pave a proportionate share of Wheatland Road from its intersection with U.S. Highway 287 to the furthest point where Wheatland Road is adjacent to the Rolling Glen Ranch property. The road improvements would have to be constructed to a minimum of the County road design standards based on the RGR Traffic Impact Study contained in the PUD application and must be certified as meeting County Road Standards by a registered engineer. All specifications and requirements of the approved plan shall be met. Final plans for the improvements will be submitted to the County Planning Department for approval prior to construction. This condition does not relieve the applicant from previous timelines and obligations (Two year Subdivision Improvements Agreement dated February 13, 2006 filed with the final plat for Phase 2 of Rolling Glen Ranch) for previously platted subdivisions with regard to the reconstruction of Wheatland Road. (*County Subdivision Regulations IV-A-8*)
15. Based on future phasing the Applicant will be required to participate in a proportionate share of the design and construction costs for turning lane improvement to U.S. Highway 287 at the intersections with Price Road and Wheatland Road. The road improvements would have to be constructed to the Montana Department of Transportation standards and must be approved by MDT prior to construction. All specifications and requirements of the approved plan shall be met. (*County Subdivision Regulations*).
16. Road AX, as presented in the Master Plan, that provides connectivity from the proposed alignment of Rolling Glen Ranch Road to George Ridge Drive (formerly Dunbar Road), shall be upgraded to accommodate heavy farm machinery and associated equipment to be substantially equivalent to the typical section of the proposed Rolling Glen Ranch Road realignment.

17. Access to the Mountain Vistas subdivision will be required to be perpetuated via Tobacco Root Road (following the south line of the NE ¼ of Section 6) and George Ridge Drive (formerly Dunbar Road following the south line of the SW ¼ of Section 6). An existing entrance has been constructed at the entrance to Tobacco Root Road that will either have to be preserved or mitigation proposed for the entrance that is approved by Mountain Vistas. (*County Subdivision Regulations IV-A-13*)
18. Design and construction of public infrastructure utilities shall follow the requirements of the Montana Department of Environmental Quality and Montana Public Works Standard Specifications. (*County Subdivision Regulations IV-A-13*)
19. If propane is utilized as the preferred gas option for the PUD, installation of propane systems will be required to comply with the more stringent of federal, state or local regulations.
20. The applicant must provide documentation of compliance with open space requirements for Planned Unit Developments as referenced in the Broadwater County Subdivision Regulations upon submittal of the first phase of the Master Plan.
21. Design and construction of internal roads within the PUD shall follow the requirements of the American Association of State Highway and Transportation Officials (AASHTO) or Broadwater County Road Standards. The design section of roadways will be determined by a geotechnical and materials report certified by an engineer licensed in the State of Montana with specific experience in geotechnical engineering. The geotechnical and materials report shall be reviewed and approved by the Broadwater County Planning Office. (*County Subdivision Regulations IV-A-8*)
22. The applicant will be required to update the Traffic Impact Study by phase as the PUD progresses to account for changed conditions. Revised Traffic Impact Study reports will be submitted concurrently to the Montana Department of Transportation for review.
23. A water right(s) will be required to be obtained from the Montana Department of Natural Resources and Conservation for the entire PUD community water system prior to submittal of final plat of the first phase of the PUD Master Plan. *MCA 76-4-104, County Subdivision Regulations*)
24. Prior to submittal of future phases, the applicant will be required to provide credible evidence in the form of well tests, groundwater monitoring and/or groundwater modeling to substantiate water availability and protection of existing water rights in the vicinity. (*MCA 76-4-104, County Subdivision Regulations*)
25. Please be advised that at the time of final design the following requirements will apply (*County Subdivision Regulations*):
 - a. Road plan and profile sheets must show culvert placement, size, and elevations at invert and outlet.
 - b. Hydrology and hydraulics calculations for culverts and storm water conveyance must be included. Design must account for the 5-year, 24-hour storm event.
 - c. The scale on 11" x 17" plan and profile sheets must be 1"=100' horizontal, and 1"=10' vertical (preferred), on 1"=5' (minimum).

- d. Detailed information on water supply treatment and disinfection for compliance with the requirements of DEQ Circular 1.
26. The Applicant will be required to comply with all specifications or requirements imposed by the Montana Department of Transportation based on their review of the Application and Traffic Impact Study for the Applicant's proportionate share of impacts on U.S. Highway 287 by the phases of the Master Plan as they are submitted for final plat approval. (*County Subdivision Regulations IV-A-8*)
27. The applicant will be required, at a minimum to establish a county water and sewer district, municipal water and sewer system (only if the project is incorporated), or the establishment of a private utility to manage the utilities for the proposed Planned Unit Development. The managing entity will be required to establish regulations governing general provisions, availability of water and sewer services, conditions of use and service, extension of the district's base system, fire suppression, installation, metering, billing, sampling and testing, reporting, rates and fees and records keeping and accounting. The Applicant and the entity utilized to establish and operate the system shall comply with all applicable laws and regulations concerning the above referenced options for management of the community water and sewer system. (*MCA 76-4-104, County Subdivision Regulations*)
28. Prior to final plat approval of the first phase submittal of the Master Plan, the applicant will be required to work with the Three Forks Public Schools (or school district applicable at the time of submittal) in the formulation of a plan to assess the existing capacity of the Three Forks Public Schools (or school district facilities applicable at the time of submittal), identify the need for additional facilities, and identify the location, size and timing of construction necessary to fulfill the required need of the Rolling Glen Ranch Planned Unit Development for school facilities. The applicant will also be required to formulate a plan for staffing and funding the additional required school facilities. The applicant shall be required to fund the Applicant's proportionate share of educational needs and staffing as determined by each phase of the Master Plan as they are submitted for final plat approval and taking into account impacts from previous phases of the Master Plan that have received final plat approval.
29. Prior to final plat approval of the first phase submittal of the Master Plan, the applicant will be required to work with the Three Forks Area Ambulance Service District in the formulation of a plan to assess the existing capacity of the Three Forks Area Ambulance Service District, identify the need for additional facilities, and identify the location, size and timing of construction necessary to fulfill the required need of the Rolling Glen Ranch Planned Unit Development for Ambulatory and Medical Care facilities. The applicant will also be required to formulate a plan for funding and staffing the additional required Ambulatory and Medical Care facilities. The applicant shall be required to fund the Applicant's proportionate share of facilities and staffing required for ambulatory and medical care facilities as determined by the medical care and ambulatory needs imposed by each phase of the Master Plan as they are submitted for final plat approval and taking into account impacts from previous phases of the Master Plan that have received final plat approval.

30. Prior to final plat approval of the first phase submittal of the Master Plan, the applicant will be required to work with the Broadwater County Sheriff's Department in the formulation of a plan to assess the existing capacity of the Broadwater County Sheriff's Department, identify the need for additional facilities, and identify the location, size and timing of construction necessary to fulfill the required need of the Rolling Glen Ranch Planned Unit Development for law enforcement facilities. The applicant will also be required to formulate a plan for funding and staffing the additional required law enforcement facilities. The applicant shall be required to fund the Applicant's proportionate share of facilities and staffing required for law enforcement as determined by the law enforcement needs imposed by each phase of the Master Plan as they are submitted for final plat approval and taking into account impacts from previous phases of the Master Plan that have received final plat approval.
31. The applicant will be required to revise the covenants to form the architectural review committee immediately following final plat approval of the first future phase submittal of the Master Plan and the applicant will remain on the architectural review committee at least until such time that the homeowner's association is formed. (*County Subdivision Regulations II-C-5*)
32. The applicant will be required to revise the covenants to form a homeowner's association upon lot sales of 51% of the lots in the first phase submittal of the Master Plan. The applicant will be required to provide all of the functions of the homeowner's association for the PUD until such time that there are sufficient landowners to take over that responsibility. Section 25E of the covenants shall be revised accordingly.
33. The applicant will be required to revise the covenants to require all lots to connect to the proposed community water and sewer systems. No individual wells or wastewater systems will be allowed. Please revise all references within the covenants to individual water and/or wastewater systems.
34. The applicant will be required to revise the covenants to require no further subdivision of lots. Please revise Section 23 of the proposed covenants.
35. The applicant shall preserve the existing County Road Easement along the western boundary of the Rolling Glen Ranch Planned Unit Development along the section line between sections 12 and 7 which is also the Jefferson and Broadwater County line, and shall restrict direct vehicular access to the existing County Road Easement. Modifications to the development in this area specific to this condition shall not present a material change to the Master Plan. (*Section 76-3-608(3)(a), MCA*)
36. The applicant shall maintain access for Jefferson and Broadwater County residents via 'Dunbar Road' (George Ridge Drive) to 'Rolling Glen Ranch Road' without interruption prior to, during and following construction activities associated with the proposed Planned Unit Development.
37. Prior to the submittal of future phase submittals, the applicant will be required to provide substantial and credible evidence that project financing is adequate for the proposed infrastructure.
38. The above conditions are intended to be and shall be interpreted in accordance with MCA 76-3-510.


Approval of the Rolling Glen Ranch Planned Unit Development Master Plan shall be in force for no more than forty (40) calendar years to allow for phased development. This approval is for the Master Plan only, and does not constitute an approval for preliminary plat for individual phases. Each phase of the Master Plan shall be submitted as a separate preliminary plat application and shall be subject to review based on these conditions and current Broadwater County Subdivision Regulations as applicable in effect at the time of each phase submittal. The public hearing on January 18, 2007 is deemed adequate for the Master Plan and subsequent phases. Therefore, public hearings will not be required for subsequent phases of the Master Plan unless a phase presents a material change to the Master Plan.

A party, as defined by 76-3-625 M.C.A., who is aggrieved by a decision of the governing body may, within thirty (30) days after this decision, appeal to the Broadwater County district court.

DATED this 12 day of February, 2007

BROADWATER COUNTY COMMISSION


James V. Hohn, Chairman


Keith C. Lynn


Gail M. Vennes

ATTEST:


Doug Ellis, Deputy Clerk & Recorder