

Section I - Part A Responses to County Comments

A. Responses to County Comments

The following explanations are in response to the Pre-application comments presented by Chris Scott, County Planner, on July 21, 2014. Applicant responses are presented in italics-style text and bold.

- a. The proposal falls within an un-zoned area of Gallatin County and is subject to review by the Gallatin County Planning Board ("Planning Board") and the Gallatin County Commission ("Commission"). The Planning Board and the Commission consider the following in reviewing subdivisions:
 - b. Relevant evidence relating to the public health, safety and welfare.
 - c. The summary of probable impacts.
 - d. Gallatin County Growth Policy
 - e. Amsterdam/Churchill Neighborhood Plan
 - f. The Montana Subdivision and Platting Act.
 - g. Gallatin County Subdivision Regulations (Subdivision Regulations).

The Applicant understands that the property is in an un-zoned area of Gallatin County. However there are many regulations and guidelines related to this type of development. The project will conform to the rules and regulations of the Amsterdam/Churchill Neighborhood Plan, the State subdivision and platting act, as well as the County subdivision regulations.

2. The subject property has an existing preliminary plat approval for a larger subdivision that encompasses additional property to the west. The "original" Amsterdam Village Subdivision was granted an approval extension to the preliminary plat with the approval set to expire on April 20, 2017. The title holder to the property will be required to relinquish all right, title and real property interests in any prior preliminary plat approval under the Montana Subdivision and Platting Act at or before the final plat approval.

The Applicant understands the requirements to relinquish any rights, title and real property interests in the previous preliminary plat approval due to the material changes now proposed as required under Section 3.P of the County Subdivision regulations. We intend to move forward with the project as illustrated in this application.

3. Staff suggests that adjacent property owners be notified of the proposal prior to submitting your preliminary plat application in order to address any concerns they may have prior to being in a public forum.

The original planning process involved in the Amsterdam Village project included extensive public comment and outreach. The first meetings were conducted with the property owner, advocacy groups and the Design Team in the Spring of 2006.

The current Community Plan, a plan developed through a public process, acknowledges that the previous PUD may not be the final development outcome. In this case, the plan requests that the project follow the original mixed use concept and preserve key transportation connections. The proposed preliminary plat includes a commercial and residential mix and maintains the original access points to the transportation system.

Further, the residential components follow the scale and configuration of the Churchill North Subdivision aligning the project with the existing character of the community. Lastly, the project will require notification and multiple public hearings as part of the preliminary plat process and represents a reduction in intensity. Given these facts, at this time the applicant is not proposing any additional outreach.

4. The Community Plan was adopted as the Amsterdam I Churchill Community Plan Chapter of the Gallatin County Growth Policy. Authority of the Community Plan is authorized by Montana State Statute and the Gallatin County Growth Policy. The Community Plan is in compliance with the County Growth Policy and is designed to give a greater specificity within a certain defined Amsterdam I Churchill area.

The revised project complies with the community plan by:

- 1. providing a mix of residential and commercial uses***
- 2. maintaining the key access points to the surrounding transportation system provided in the original application as identified in Chapter 3 of the plan.***

5. The Subject Property is located within the Amsterdam - Churchill Core Area identified on the Future Land Use Map adopted within the Community Plan. The Town Core area has been identified in Policy 3.1 as an area where the majority of new growth will be focused into rather than throughout rural Amsterdam/Churchill. Specifically, the subject property has been identified as being located in Category C: Ecton Ranch, which is a 348-acre property between Amsterdam and Churchill. The plan furthers states it is the Community's desire that the development of this property would provide a creative, mixed-use development near the Churchill Bank and the intersection of Amsterdam Road and Churchill Road as well as west of Bethel Church, and substantial open space and park space with residential development on the remainder of the property.

The proposed Village at Amsterdam development provides two (2) commercial lots totaling nearly 2.0 acres. These lots are designed to be in association with the current commercial banking establishment located at the corner of Amsterdam and Churchill Roads. The intent of these additional lots is to provide for private commercial enterprise opportunities within the Amsterdam/Churchill area. Within the development itself, the provision for parks and open space have been made. The community will have approximately 7.2 acres of park space.

Also an additional 21.95 acres of land has been set aside for both agricultural and water aquifer recharge purposes. In total of the 78 acres of developable land, approximately fifty-six (56) acres is being utilized for residential lots and open space.

6. With your preliminary plat application please demonstrate how the proposed development complies with the Policies of Chapter 2: Amsterdam /Churchill's Guiding Principles, Chapter 3: Amsterdam/Churchill Town Core, and Chapter /5 District-Wide Policies of the Amsterdam/Churchill Community Plan.

Chapter 2: Amsterdam/Churchill's Guiding Principles:

The following values and goals are taken directly from the Amsterdam/Churchill Community Plan. The italicized commentary that follows indicates how the values and goals of the community have influenced the community design for the Village at Amsterdam.

Values:

- Small Town Values, Rural Character, and Quality of Life.

- Agriculture Heritage and Wide-Open Views.

The Village at Amsterdam will introduce an additional 56 homes into the Amsterdam/Churchill community. The project's residential layout closely follows that of the existing Churchill North Subdivision matching the existing neighborhood character and leaves open almost a third of the property. Additionally, through strict CC&R's and design guidelines, the Village at Amsterdam will reinforce the current character of the community rather than detract from it.

Goals:

- Infrastructure.

The Village at Amsterdam will provide full infrastructure improvements in compliance with the most recent Gallatin County Subdivision Regulations. The project intends to provide roads, paths, parks, sewer, fire suppression and stormwater management. A street easement is being proposed as a part of phase three. This easement is intended to provide connectivity with Leonard Street into future development areas to the west of the Village at Amsterdam project.

- Increased Local Control.

The new application will comply with the Community Plan which did not exist at the time of the previous PUD review. This compliance will increase local control over the project and the subdivision and platting requirements will provide opportunity for local input throughout.

- Agriculture and Rural Lifestyle

The project proposes to retain some twenty-one (21) acres of land to be undeveloped and left for agricultural uses.

- Community Values.

The project intends to reinforce the community's values through compliance with the community plan, specifically:

- 1. by matching residential densities and configurations***
- 2. providing a mix of uses in an appropriate orientation to existing development***
- 3. providing improved infrastructure and pedestrian circulation***
- 4. providing excess open space***
- 5. well-developed CCR's***

Chapter 3: Amsterdam/Churchill Town Core

To preserve the rural character, the agricultural resources, and small town nature of the area, and to reduce conflict between new residential development and existing agricultural operations in the area, the majority of new growth will be focused into the Town Core where existing growth is already located rather than throughout rural Amsterdam/Churchill.

- Land-use Map

The current land use map identifies the project as Category C: Ecton Ranch. The project as proposed complies with this designation by providing a mix of uses, maintaining significant open space and providing key transportation connections.

- Phased Expansion of the Town Core

This section of the plan outlines criteria for logical growth of the community avoiding sprawl by placing new development adjacent to existing platted parcels and the required infrastructure. The project is immediately adjacent to similar development and is bordered by both sewer and transportation infrastructure.

- Residential Neighborhoods

The proposed development will comply with the stated neighborhood goals of the Community Plan by:

- 1. Providing and enforcing CCR's that promote the values of the Community Plan***
- 2. Providing pedestrian access throughout the parkland and along the interior roadway***
- 3. Creating a water feature that is more than just a fire pond in the park space***

- Commercial Neighborhoods

The project places its proposed commercial component immediately adjacent to existing commercial development as requested by the Community Plan. This approach supports the plan by placing compatible uses adjacent to one another while still being in close proximity to residential development.

- Connections

The project provides multiple connections to the surrounding transportation system, paths and easements to allow future access for the property to the west.

- Recommended Speed Control

The policy requests speed control along Churchill Road in the town core. The project will increase the number of accesses to Churchill Road increasing opportunities to install speed control and traffic calming treatments.

- Sewer District

The project will make application to the local sewer district for service. This complies with the stated policy of the Community Plan.

- Community Water

A community water system does not currently exist in Amsterdam/Churchill. Given the size and scope of the proposed development, a community system for the project is not feasible. The project proposes to provide water to each property with a well for each home. Should a

public system become available in the future, the fire services lines will be constructed to public water system standards.

- Lighting

The project will either join an existing district or create a new district that complies with the policies of the community plan.

- Agricultural Uses and Land

The development is a design that respects the agricultural heritage of the area and does not infringe on any water ways and leaves significant areas in open space.

Chapter 5: District Wide Policies

- Fire and Emergency Services

The development is proposing a fire system that complies with the requirements of the subdivision standards. The local fire department has been consulted and their input is included in the proposed system.

- Amsterdam School

The community recently voted to pass a \$1.9 million dollar bond to improve district capacity. The project should be constructed prior to subdivision build-out.

- Community Decay

The project has drafted CC&R's and design guidelines that are intended to guard against community decay. It is within the interest of the subdivider to bolster and uphold the community standards and character of the Amsterdam/Churchill communities.

- Local Water Quality District

The project could be part of any district formed.

- Sand and Gravel Resources

The subdivider for the Village at Amsterdam project will not be engaging in the mining of any sand and gravel resources as they relate to this project.

7. Chapter 6 addresses the desire of many Amsterdam/Churchill residents to have increased say in the future of their community. Policy 6.2 suggests the Amsterdam/Churchill community will form a non-profit organization expressly dedicated to serving as a forum for exploring community growth and change issues. The non-profit will ensure that the investment strategies named throughout the plan are implemented, will address any substantial changes or updates to the community plan and/or development standards, and will advise the Gallatin County Commission on issues that would affect the

Amsterdam/Churchill community. As such the Amsterdam/Churchill Planning Group was formed. The pre-application has been routed to the group, which has provided comments (see Attachment 1).

**Comments on Pre-Application Submittal Letter from CTA to Gallatin County Planning Department
June 6, 2014**

1.d. True the area is not zoned, but work from the ACCPG has been passed in terms of planned growth and draft regulations worked on. We would like the application to follow the guidelines set forth in the document.

As outlined above the project complies with the applicable components of the Community Plan.

7. We would like to address the need for fire protection infrastructure put in place. As the town core grows, the public safety demands also increase, giving logistic restraints on a volunteer force and basic needs for protection to the community. The possibility of connection to water supplies of existing fire systems should be looked at and easements provided for future plans or possible improvements that need explored.

The developer has met with the Amsterdam Fire Department and provided a preliminary review of the proposed Village at Amsterdam Subdivision fire protection plan. Per the comments provided, we have amended our fire protection plan to adhere to the Gallatin County Subdivision Regulations - Appendix I and the overall comments from the Amsterdam Rural Fire Department.

8. The Valley Ditch is located downgrade from the natural slope of the proposed subdivision. In times of the past, the Valley has accumulated water runoff from the area to be subdivided. A runoff and retention plan must address how it will protect the Valley with water quality and quantity concerns that land use changes influence. The plan should also include for follow up maintenance to protect from silt and vegetation problems that may get overlooked.

The project will collect, treat and attenuate all stormwater and run off from the streets and internal properties on site through a series of swales and detention basins.

9. General comments to Amsterdam Village Subdivision Pre-application submittal

- With the recently completed sidewalk work in the area, a plan showing how the new development will allow a safe connection to both existing and future needs. As proposed in drawings; sidewalks on both sides of the street would be desired.

In response to the County Subdivision Regulations, Community Plan, and past public comment, the project will be providing sidewalk on one side of the street throughout the development, connectivity to the local transportation system and a path through the park.

- Trails in the open space/park that allow existing and future needs.

The Applicant is unaware of any extensions of the countywide trails plan that would approach the proposed development's location. However, the proposed development has been designed to incorporate interior trails for pedestrian circulation with spurs to the property lines in several locations, allowing for future connections to any future extensions of the countywide trail system.

- Marked crosswalks on Churchill road need to be applied.

Road and street improvements will meet Gallatin County Subdivision regulations which mandate this.

- Landscaping of open space to allow for view-shed protections.

The project has strict design guidelines, including landscape requirements, to ensure that the surrounding community and character of the Amsterdam/Churchill area is maintained. CC&R's/Design Guidelines are submitted as a part of this application.

- Height Restrictions on building (single story adjacent to Churchill road) and signage need to be reviewed.

The project has developed strict design guidelines, including height restrictions/ requirements and signage guidelines to ensure that the surrounding community and character of the Amsterdam/Churchill area is maintained. The project is situated on property that is within similar elevations as surrounding properties outside the subdivision and to the east. In order to further protect existing property owner's view sheds, the subdivider has chosen to construct one-story homes on the eastern side of the Subdivision where adjacent neighbors might be most impacted by view disruption. Strategic landscape buffers will be used where necessary to mitigate visual disturbance. This is estimated to be unnecessary in the greater part of the project, however, steps will be implemented to protect views, visually separate unlike land uses and provide privacy. CC&R's/Design Guidelines are submitted as a part of this application.

- Weed management plan for open space/park and interim lot build-out.

An approved weed management plan has been developed and submitted with this application.

- The impact of adding another major development using exempt wells as the water source will be a concern to the nearby residents, as we have seen elsewhere in the county. A water constraints plan, regarding the increase of wells in the area should help to mitigate this issue. This can be done many ways from landscaping, watering schedules, and use of existing water rights.

Currently the Administrative Rules of Montana (ARM's) mandate the documentation of sufficient quality and quantity of water for the proposed project. Detailed information is submitted in the Engineering Report included elsewhere in this application on both of these criteria. Additionally the project owns several shares of the Low Line Canal.

- The location of the development borders an agricultural area, it is desired that the "farming/ranching" activities are expressed and buyers are notified what this may mean to their new location.

The project does not intend to effect the agricultural practices and standards/character of the Amsterdam/Churchill communities. Within the Village at Amsterdam CC&R's the subdivider

has outlined to future owners the importance of the community's agricultural practices. The CC&R's are written to aid the community and adjoining properties in sustaining the agricultural practices currently underway. The subdivider fully intends to practice a good neighbor policy with the enforcement of the CC&R's as the development grows.

Subdivision Review:

8. The design and development of the subdivision shall conform to the adopted growth policies or comprehensive plans, zoning regulations and other resolutions and regulations.

Agreed. The project closely complies with the Amsterdam/Churchill Community Plan as well as the Gallatin County Subdivision Regulations and all authorities having jurisdiction.

9. Address the method of domestic water supply and wastewater disposal for the subdivision. If the subdivision proposes a new water supply or wastewater facilities please provide all necessary information outlined in Section 5 (E.) (30.) Comments from the Gallatin City-County Environmental Health Department (GCCCEHD) state that all lots will need to go through Sanitation Act Review. (See Attachment 2).

Water will be supplied by individual wells. The Engineering Report provides detailed information on quality and quantity.

The project intends to make application to the local water and sewer district for wastewater disposal and does not intend to use on-site septic systems.

There is no floodplain or naturally occurring surface water on the site.

Detailed plans are included showing all infrastructure, grading and parcel information.

10. The method of solid waste disposal must comply with the standards adopted by MDEQ and be approved by MDEQ or other authorized reviewing authority under the Sanitation in Subdivision Act section 76-4-101, et seq., MCA prior to final plat approval.

Private solid waste collection services will be contracted with a local provider in order to remove recyclables and non-recyclables from the Subdivision.

11. A grading and drainage plan shall be submitted with the preliminary plat application. With the grading and drainage plan please show any proposed drainage easements. Since water conveyance facilities exist near the property it should be noted that the subdivision shall be designed and developed so storm water, snowmelt runoff, water from dewatering activities, or other water originating from within the boundaries of the subdivision, does not run into or become captured by any water conveyance facility.

All preliminary plat information and materials have been provided as required by the Gallatin County Subdivision Regulations. See Sheets C200 and C201 Grading and Drainage Plan for proposed drainage plans. All stormwater and excess run off internal to the development will be captured and detained in stormwater basins and allowed to infiltrate the ground water aquifer or discharge along historic routes.

12. Proposed Lot 1 of Block 7 does not meet the required Subdivision lot design standard that no lot shall have an average depth greater than three times its average width (see Section 6 B. 6. Subdivision Regulations).

The subdivider has addressed the preliminary concerns related to the design of Lot 1/Block 7 and revised the design. See the enclosed preliminary plat.

13. Section 6.D.2. of the Gallatin County Subdivision Regulations requires placement of 20-foot wide utility easements "wherever possible" centered alongside and rear lot lines. Please provide evidence from appropriate utilities regarding placement of utilities if placement or width is contemplated otherwise.

Twenty-foot wide utility easements have been placed along the rear of each lot and ten-foot easements along the front. Additionally ten-foot easements are placed in the side yards adjacent to local streets.

14. Please address any variance requests if any from road, access or design standards as outlined in the Gallatin County Subdivision Regulations. If any variances are requested with your preliminary plat application please address the variance review criteria outlined in Section 13 of the Subdivision Regulations for each variance. Specifically, the review criteria are as follows:

- a. The granting of the variance will not be detrimental to the public health, safety, or general welfare, or be injurious to other adjoining properties;
- b. Due to the physical surroundings, shape, or topographical conditions of the property involved, strict compliance with the regulations will impose an undue hardship to the owner. Undue hardship does not include personal or financial hardship, or any hardship that is self-imposed;
- c. The variance will not cause a substantial increase in public costs; and
- d. The variance will not place the subdivision in nonconformance with any adopted zoning regulations.

No variances are being requested with this application.

15. Please respond to the Gallatin County Road and Bridge Department comments (attached) regarding the proposed subdivision (see Attachment 3).

The following comments were provided to Gallatin County Planning as a part of a letter dated July 7, 2014. Applicant responses to the Gallatin County Road, Bridge and Junk Vehicle Department are provided here in italics.

- The County GIS office must approve all road names for interior subdivision roads.

All streets within the Subdivision will be named and signed according to the Subdivision Regulations. A detailed signage and drainage plan will be submitted to the County Road and Bridge Department for approval prior to the start of construction.

The signage plan will identify all sign locations including road name signs, stop signs and other regulatory or warning signs. All sign standards will meet current County and MUTCD standards.

- A detailed signage and drainage plan shall be submitted to the county road office for approval prior to the start of any construction. This plan should specifically address the requirement for road name signs to be installed at all intersections, as well as STOP sign(s) at all intersections with County maintained roads. STOP signs and other regulatory or warning signs may also be needed on some internal roads and this should be addressed in the plan. All signage must conform to the Manual of Uniform Traffic Control Devices (MUTCD), Millennium Edition.

The proposed Village at Amsterdam Subdivision conforms to all the General Design requirements of the Subdivision Regulations, including:

1. ***Roads - The Design Team has met with MDOT and the County Road and Bridge Department to discuss the project, traffic impact study, permitting and possible mitigation for impacts.***
2. ***Relation to Un-Subdivided Areas***
3. ***Relation to Subdivided Areas***
4. ***Separation of Through and Local Traffic***
5. ***Distance between Parallel Rights-of-way***
6. ***Dead-End Roads***
7. ***Subdivision Access***
8. ***Road Design Standards***
9. ***Bridges***
10. ***Culverts***
11. ***Encroachment Permits***

- Encroachment permit(s) must be obtained from the county road office for any access points to county maintained roads, Amsterdam Road. Proof of approved permits shall be provided for any access to state maintained highways, Churchill Road. Additionally, all internal lots will be limited to one driveway access. Each access must be at least seventy-five (75) feet from the nearest intersecting county road.

The Montana Department of Transportation and Gallatin County do not issue encroachment permits until after the preliminary plat has been approved. However, the Applicant has previously submitted a Preliminary Traffic Impact Study to the State and County to garner feedback on proposed access locations. The access locations shown on the Preliminary Plat reflect those previously discussed with both State and County personnel. A revised Traffic Impact Study is also submitted with the Preliminary Plat application, and includes analysis requested by the State and County regarding the proposed access locations. Encroachment permits will be required from both the State and County and will be sought after preliminary plat approval, per State and County procedures.

- A “no access” strip is required along all lot boundaries that border county or state maintained roads, except for approved interior subdivision road access. Exception to this will only be made for lots that do not border an internal subdivision road. Access to lots falling under this exception will require further review and the obtaining of an encroachment permit from the county road office.

A traffic impact study is submitted addressing this issue. The commercial lots anticipate sharing a single access.

- There exists subdivided land to the south and west of this development. It appears that adequate access exists to said land.

The project provides road extensions to neighboring properties should development occur on the adjacent lands south and west of the development. Additionally, the project has planned for extensions/expansions of the existing transportation system by placing an easement allowing for the extension of Leonard Road across the open space.

- All interior roads must be built to county paved standards, and have a sixty (60) foot right of way, dedicated to the public, unless other county road standards apply.

Roads within the Village at Amsterdam project will be built to current County Subdivision standards.

- All cui-de-sacs shall be built to county standards and acceptable to the local Fire District.

Roads within the Village at Amsterdam project will be built to current County Subdivision standards for local roads. Per local Fire District review, hammer heads will be allowed on the east/west connectors.

- A detailed traffic study shall be prepared to identify off-site traffic impacts the development will have on the following existing county roads or state highways: Amsterdam Road and Churchill Road, including any turn lanes required for increased traffic at intersections affected by this subdivision. The study will be used to identify primary and secondary access roads, as well as collectors and arterials in the area of impact. Findings from this study may result in the need to have additional right-of-way along certain county maintained roads dedicated to the public.

A detailed traffic study has been conducted and a copy of the results are included with this application.

- A pre-construction meeting shall be scheduled with the County Road Department prior to the start of any construction.

The Applicant has met with the Gallatin County Road and Bridge Department Engineer on several occasions to discuss the proposed development. All comments from the County Road and Bridge Department have been addressed. The Applicant will continue to work with the County to meet expectations after Preliminary Plat approval. A preconstruction meeting will be scheduled per this requirement.

- All roadwork shall be built to Montana Public Works Standard Specifications (Current Edition), inspected and certified by a licensed engineer. Such inspection and certification must be provided to the county road office in writing. Final approval will not be given until this documentation is received.

Internal plat roads have been designed to meet to applicable County standards for both vertical and horizontal alignments. Intersections will be at right angles and include adequate intersection sight distance for applicable design speeds. A professional engineer licensed in the State of Montana will certify the roads to the referenced construction standards.

- For all proposed development onsite and offsite road improvements a two (2) year written warranty from the contractor shall be required. This warranty must be submitted to the county road office prior to final approval. Striping must be included after the paving of any county maintained roadway.

A written two year warranty will be provided to the County Road and Bridge Department by the contractor prior to the final plat approval.

- A "Homeowners Association" shall be formed for the maintenance of all interior roads. A copy of the Homeowners Association by laws are required to be submitted to the County Attorney's office prior to final approval.

A copy of the draft HOA by laws accompanies this preliminary plat application.

- Thirty (30) feet of Amsterdam Road south of centerline shall be dedicated to the public for the entire length of the development. Any right of way requirements for Churchill Road shall be reviewed by the Montana Department of Transportation.

Requirements for public right of way dedications along Amsterdam Road will be adhered to.

- Pedestrian facilities shall be installed per Gallatin County Subdivision Regulations Section 7.J.

The development includes internal pedestrian facilities along one side of all roads internal to the development.

- A waiver of right to protest the creation of future RIDs shall be required for any improvements to the intersection of Amsterdam and Churchill Roads.

The subdivider shall waive right to protest for future RID's to improve the intersection of Amsterdam and Churchill Roads. A letter of statement to this intent shall be provided prior to final plat.

- All areas of the public right of way disturbed during construction activities must be sodded or reseeded.

All disturbed areas within the public right of way that occur as a result of construction activities will be reseeded. A SWPPP/NOI will be submitted to the state for areas of disturbance in excess of 1 acre.

- When this development is formally submitted for preliminary review, further conditions may apply.

The applicant understands the process may create additional comments.

16. Since the proposed Subdivision is estimated to generate 500 Average Daily Traffic (ADT) or more a Traffic Impact Study (TIS) shall be prepared in accordance with Section 9 F. of the Subdivision Regulations. The TIS shall be submitted with your preliminary plat application.

A detailed traffic study has been conducted and a copy of the results are included with this application.

17. The interior road providing access to Lots 6-11 of Block 8 does not appear to meet the required road design standards within Section 7 of the Subdivision Regulations (i.e. Right-Of-Way width). The interior road will need to be re- designed to meet the required design standards contained in Section 7 of the Subdivision Regulations.

The interior road providing access to Lots 6-11 of Block 8 has been re-designed to meet Subdivision Regulation - Right of Way width standards.

18. It is unclear what the area of land between the roads in Block 8 and Block 5 will be. Please clarify and make sure it will meet the required design standards in the Subdivision Regulations.

The interior green space shown is designed to be an interior open space for the use of the POA (such as common mail driveway) and regulated per the CC&R's.

19. It appears the proposed Subdivision adjoins un-subdivided land to the south and west. If access to the un-subdivided land must pass through the proposed Subdivision, at a minimum, adequate Rights-Of-Way or public road easements must be provided.

See the attached preliminary plat for all road easements.

20. 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.

Mail delivery will occur to centralized mailbox areas per the directive and standards required by the United States Postal Service and local subdivision requirements. Roads in these areas will be expanded to accommodate pull-off traffic near the mailbox areas.

21. Based upon information that has been provided it appears that the Valley Ditch (water conveyance facility) exist across Amsterdam Road within 500 feet of the Subject Property. Staff has received your copy of the written request to the Valley Ditch Company for comments. Staff understands that your written request for comments was sent to the Ditch Company on June 4, 2014 and the Ditch Company has had 45 calendar days to respond, however no comments have been received. If a response has been received by the Ditch Company, those comments should be provided with your preliminary plat application. If no response has been received then the preliminary plat shall show a default 50-foot water conveyance facility non-interference setback as described in Section 6. A (6)(b)(i) of the Subdivision Regulations.

No response has been received to date related to the Valley Ditch. The ditch is separated from the Village at Amsterdam project by Amsterdam Road and its related right of way. The Village at Amsterdam preliminary plat illustrates drainage ways, irrigation canals/ditches and below ground pipelines on the subject property. Easements have been provided for new drainage ways, swales or pipelines where necessary.

22. Conditions and Covenants related to Water Conveyance Facilities listed in Appendix K of the County Subdivision Regulations will be suggested with your preliminary plat.

The Village at Amsterdam development does not adversely affect the rivers, streams and riparian areas near the project site. The proposed development shall be in compliance with local, state and federal water quality regulations and standards.

23. With your preliminary plat application please provide documentation on the current status of existing water rights and mineral rights for the property. Additionally, please provide the proposed disposition of any water and mineral rights.

The existing water/irrigation rights will be retained by the developer to assist in the development of the project on an as needed basis.

24. Please address whether the proposed subdivision is crossed by or adjacent to a watercourse. A watercourse is defined as any natural stream, river, creek, drainage, waterway, gully, ravine or wash in which water flows either continuously or intermittently and has a definite channel, bed, and banks, and includes any area adjacent thereto subject to inundation by reason of overflow. The term watercourse shall not be construed to mean any facility created exclusively for the conveyance of irrigation water. If a watercourse is discovered to cross the subdivision or is adjacent to then please refer to Section 6 A 5. of the Subdivision Regulation for either setback or mitigation plan requirements.

The preliminary plat illustrates drainage ways, irrigation canals/ditches and below ground pipelines on the subject property. Easements have been provided for new drainage ways, swales or pipelines, where necessary.

25. The proposed subdivision is within the Amsterdam School District #75. Comments have been provided by the Gallatin County Superintendent of Schools and the Chairman of the Board for the Amsterdam School District (see Attachment 4). It is estimated by School officials that a minimum of 15 students would be expected from the proposed subdivision and that the existing school has reached capacity. School officials have stated that both the Amsterdam and Manhattan School District will be impacted by the proposed development. Manhattan School District and Amsterdam School District have an agreement by which Manhattan provides educational services to 7th and 8th grades students residing in the Amsterdam School District. School officials concluded that the school district's budget and its ability to raise bonds for construction are at the direction of the taxpayers living in the district boundaries. In the event the voters do not support the necessary growth of the school, Amsterdam likely would not meet minimum accreditation requirements. Please contact district officials to address the potential impacts the subdivision would have on the school and mitigation measures prior to preliminary plat submittal.

The district voted 348 to 245 to pass a \$1.9 million dollar bond to expand capacity for the growing school district. The improvements should be complete prior to subdivision build out.

26. Based upon the pre-application it shows an area of land will be dedicated for park land. Park land dedication shall be equal to 11% of the area of the land proposed to be subdivided into parcels of one-half acre or smaller, 7.5% for parcels larger than one-half acre and not larger than one acre, and 2.5% for parcels of three acres or larger but not larger than five acres. Based upon Staffs review it appears Phase 1 of the Subdivision will not have enough area of land dedicated as Parkland to meet the Subdivision requirement.

Based upon the criteria for dedicated parkland the overall development will require 2.58 acres of park space. As currently designed the overall development will have 7.12 acres. The subdivider anticipates installing much of the park space as a part of phase one construction.

27. An approved noxious weed plan shall be submitted at the time of application of preliminary plat approval.

A Weed Management Plan has been developed and submitted to the Gallatin County Weed Management Board. This plan describes the current situation and the proposed mitigation of construction and post-construction activities for noxious weed management and eradication. The plan has been approved.

28. The proposed subdivision is within the jurisdiction of the Amsterdam Rural Fire District. A fire prevention plan complying with the fire protection requirements of the Subdivision Regulations shall be submitted with the preliminary plat application. The Amsterdam Rural Fire District shall be provided a copy of the fire prevention plan for their review prior to submitting the preliminary plat application.

The fire protection plan for the Village at Amsterdam per Appendix I of the Gallatin County Subdivision Regulations is submitted as a part of the preliminary plat application. No variance is requested.

The pre-application acknowledges that a public water supply is not available to be used for the needed water supply for fire protection. Staff suggests you investigate whether the Amsterdam Rural Fire District would consider an alternative fire protection method that could be equivalent or greater than what is required as opposed to requesting a variance for the Fire Protection Design Standards (see Appendix I 1.7 of the Subdivision Regulations).

As a part of the overall Fire Protection Plan, the project is providing a fire suppression pond as a part of the open space amenity. The pond has been sized to provide fire suppression water for 2 hours at 1500 gpm.

Comments have been received by the Amsterdam Rural Fire District (Fire District) (see Attachment 5). The Fire District recommends that the existing Leonard Street be connected to the subdivision for access and stubbed out to the west subdivision boundary to accommodate future expansion. Furthermore, please follow the recommendation of the Fire District regarding the placement of fire hydrants within the subdivision.

Comments have been received and the development plans have been changed to reflect the recommendations of the Amsterdam Rural Fire District for fire protection. Including water supply - the subdivider has designed a fire pond to be a part of the open space along the eastern boundary of the development. Fire hydrants are proposed to be located at the required spacing. An easement has been placed on the preliminary plat to allow for the extension of Leonard.

29. With your preliminary plat application please identify any wetlands on the property. If wetlands are found to be present, please provide a wetlands investigation completed by a qualified consultant, using the U.S. Army Corps of Engineers' Wetlands Delineation Manual Technical Report.

Not applicable. According to a December 9, 2014 review of the USFW Wetlands Mapper, no wetlands exist on the property.

30. A list of all required water right, streambed, stream bank, or wetland permits, or **written notification from the appropriate agency that a permit is not required shall be provided with your preliminary plat application.** No installation of infrastructure improvements (i.e. roads, water and sewer facilities, utilities) shall take place within the site until all applicable permits have been issued by the appropriate agency. See Section 5 D. 12. of the Subdivision Regulation for a list of potential permits.

Not applicable. There are no surface waters on the subject property that would require stream bank or wetland permits.

31. Please provide an environmental assessment with your preliminary plat application that includes the information required by Section 9.

An Environmental Assessment has been prepared by the Applicant and is submitted with the accompanying application.

32. Provide all preliminary plat information and materials as required under Section 5 E. of the Gallatin County Subdivision Regulations.

A preliminary plat application containing the required information, including this response, will be submitted to the County.



GALLATIN COUNTY

February 26, 2015

Erik Garberg, P.E.
CTA Architects Engineers
411 E. Main St. Ste. 101
Bozeman, MT 59715

RE: Preliminary Plat Application for Village at Amsterdam Major Subdivision

Please note our responses in red below.

Dear Mr. Garberg:

A single copy of the above-referenced subdivision preliminary plat application was received on February 23, 2015 for element review. As required by Section 76-3-604, MCA, within five working days of receipt, the submittal material was reviewed. Based on that review it appears that the application does not contain all of the required elements as specified in the Gallatin County Subdivision Regulations (Subdivision Regulations). The following elements (material and/or information) as required in Section 5 E. of the Subdivision Regulations were not provided:

1. A **signed** subdivision preliminary plat application form. (§ 5 E. 2.)

The application is now signed.

2. A legal property description of each of the adjoining property owners shall be included with the certified list of adjoining property owners. (§ 5 E. 4.)

Legal descriptions are now included with the addresses.

3. Abstract of Title (or Title Report) (§ 5 E. 12.)

A Title report is now included.

4. Lienholder's acknowledgement of subdivision (§ 5 E. 13.)

A lien holders acknowledgement is now included.

5. An **approved** Weed Management Plan and re-vegetation plan. (§ 5 E. 28.)

An approved Weed Management Plan is enclosed.

6. Tracts A and B are under 160 acres and will be considered Lots as part of the Subdivision review. The Subdivision application shall be modified to include Tracts A and B as part of the Subdivision including paying the additional fee for two additional lots. Upon initial review it appears that Tract A does not meet the required Subdivision lot design standard that no lot shall have an average depth greater than three times its average width.(§ 6 B. 6.).

All relevant documents have been modified to reflect 60 lots, including Tracts A and B. Tract C will be created as a parcel with sanitary restrictions and is not included in the applicable calculations. Per our email correspondence Tract A does meet the subject requirements regarding width to depth ratios when access is considered from Local A.

The Planning Department cannot process an incomplete application and therefore all the above information will need to be submitted to process your application in addition to the required number of copies (19). Please include a copy of this letter with the resubmitted application.

Additionally, the review agency responses provided under Section III, Part G of your application are out of date and do not reflect the current proposal. Staff suggests the agency responses provided be removed from the application or provide updated responses from the agencies reflecting your current subdivision proposal.

Agency responses have been updated with the most recent information.

Please feel free to contact me at 582-3130 if you have any questions regarding the application or the review process in general.

Sincerely

Christopher Scott, Planner

CC: Doug Riley, dougriley@ctagroup.com