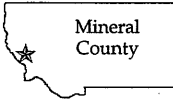


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Alberta



## MINERAL COUNTY BOARD OF COMMISSIONERS

COMMISSIONERS:

Post Office Box 550  
300 River Street  
Superior, MT 59872  
Phone (406) 822-3520  
Fax (406) 822-3579

August 16, 2006

Debbie Johnson, P.E.  
Morrison Maierle, Inc.  
3011 Palmer Street  
Missoula MT 59808

RE: Conditional Preliminary Plat Approval for the Albert's Riverside Acres

Dear Debbie:

The Mineral County Commissioners met in regular session on July 26, 2006, to consider the Albert's Riverside Acres subdivision located west of Alberton on the south side of the Clark Fork River off of Reardon Lane. The conditions for final plat approval have been imposed to insure that the subdivision is in conformance with the Montana Subdivision Platting Act, has legal and physical access, minimizes the impact to the environment, and the lot owner(s) are made aware of various Mineral County and State of Montana regulations.

### Summary of Proposed Development

The proposed development is a 24-lot subdivision located two miles west of Alberton off of South Frontage Road then Plateau Road and then Reardon Lane. The proposal has access across the Natural Pier Bridge that was first constructed circa 1917 for the Yellowstone Trail Association. The access will cross the Montana Rail Link tracks at the south end of the Natural Pier Bridge and again on Reardon Lane. The property fronts on the Clark Fork River to the north and is bounded by the Burlington Northern Santa Fe Railroad property on the south. The property includes one bench area to the east that is generally at an elevation 15 feet or more above the Clark Fork River. The existing residence on proposed lot two is located on this bench. A second bench area is to the west and appears to be 10 to 12 feet above the Clark Fork River but does not have uniform topography and has evident swales. The property has approximately 50 percent mature ponderosa pine tree cover with grass cover in open spaces.

### **Conditions for Final Plat Approval**

The following conditions are required prior to filing of the final plat, according to the Mineral County Commissioners:

1. If warranted by MDT, Reardon Lane railroad crossing will be improved with lighted signals, mechanical crossing arms, and the width will be a minimum of 24 feet with a 20-year life.
2. If the Montana Department of Transportation 50/50 Match Program is utilized for the Reardon Lane railroad crossing, the Mineral County portion of the cost will be paid by the developers. If the MDT 50/50 Match Program is not granted, then the developers will be only responsible for upgrading the railroad crossing to provide a 24-foot hard surface crossing that meets standards of Montana Rail Link.
3. The funding for Mineral County's portion of the MDT 50/50 railroad crossing program will be made by a letter of credit or other appropriate method to insure that the funding requirement has been met in order for the MDT application to be made by Mineral County.
4. Reardon Lane (outside the subdivision) will be improved to county road standards with a 24-foot driving surface and a chip seal surface, and sight distance improvement (tree removal) will be required at the Reardon Lane and Plateau Road intersection.
5. Language to waive protest rights for future public improvement shall be placed on the plat. Language shall state: "Acceptance of a deed for a lot within this subdivision shall constitute assent of the lot owner to waive the right of protest to a future Rural Special Improvement District/ Special Improvement District for improvements to Plateau Road and Reardon Lane, including but not limited to, paving, bridge upgrade, the installation of drainage facilities, curbs and gutters, pedestrian walkways or bikeways, based on benefit. The waiver shall run with the land and shall be binding on the transferees, successors and assigns of the owners of the land."
6. If funding for the Reardon Lane railroad crossing improvements is not made available from the MDT 50/50 Match Program then language will be added to the waiver section that will include the Reardon Lane railroad crossing for potential public improvement costs. This language will also be added to the Conditions, Covenants and Restrictions notifying future lot owners of this condition.

7. All new utilities will be placed underground.
8. The road construction plans and specifications must be submitted for review to the Mineral County Road Supervisor and the Mineral County Environmental Health and Planning Department. The name of the engineer that will certify that the proposed road has been constructed to Mineral County standards must be provided prior to site work on the proposed subdivision. Bonding for road construction shall be 150 percent of a qualified bid that is acceptable to Mineral County if road improvements are not completed prior to final plat.
9. The proposal will be reviewed by the Mineral County Environmental Health and Planning Department for water supply, sewage disposal facilities, storm water runoff, and solid waste with final review by the Department of Environmental Quality. The Certificate of Subdivision Approval will be filed with the plat.
10. All road surfaces will be elevated to be two feet above the 100-year floodplain elevation.
11. Culverts will be installed where Reardon Lane crosses the delineated swale and meet Department of Natural Resources and Conservation recommendations.
12. If access gate is installed the key or code will be provided to emergency service responders. The access gate will be designed to operate in weather conditions such as deep snow levels.
13. The turn radius for the Reardon Lane railroad crossing will be designed to the geometry of the land to allow semitrucks to adequately negotiate the turns with adequate sight distance.
14. Surveying has shown some ground elevation to be at or below the 100-year floodplain elevations but outside of the designated 100-year floodplain. In accordance with Department of Natural Resources and Conservation recommendations, these areas must be designated no build or alteration areas and this information will be detailed on lot layouts for future lot owners' reference.
15. One survey reference monument will be installed at the corner of each lot listing the ground elevation. Documentation will be on the final plat listing minimum finished floor elevations for each homesite to meet the two feet above the base flood elevation requirement. The elevation reference monuments may be shared among multiple lots where they adjoin and have common survey points.

16. All taxes assessed must be paid in full prior to filing of the final plat in accordance with MCA 76-3-611 (1b). The Mineral County Treasurer shall sign the plat verifying that the taxes have been paid.
17. The Mineral County Attorney must review and approve the title platting report (title guarantee). If any of the property has a mortgage or lien, a consent to plat form must be signed by the holders of said mortgage or lien and the consent to plat form filed with the final plat. The title platting report shall also be filed with the final plat.
18. The developer shall pay \$75.00, plus \$5.00 per lot, for final plat review and approval. The fee shall be paid to the Mineral County Treasurer.
19. The developer shall inform any future lot owner that an address must be assigned by the Mineral County Environmental Health and Planning Department in compliance with the Mineral County addressing plan. Road signs shall be installed as required.
20. The Park and Open Space Requirements for Mineral County will need to be met. This can be negotiated between the developer and the Mineral County Commissioners. The proposal calls for 9.6 acres of open space to be dedicated for homeowner common use, which would meet requirements.
21. An approved noxious weed management and revegetation plan shall be filed along with the final plat.
22. Bonding for public improvements will be at the rate of 150 percent of qualified bids.
23. These conditions will be valid for a period of two years with the right to request one additional year extension.
24. The proposed river access walkway at lots 7 and 8 will have signs that notice the prohibition of public access.
25. Individual residential sprinklers will be installed. Plans for domestic valves, permitting and testing will be required by the Frenchtown Fire District. Fees can be negotiated with the Frenchtown Fire District to defray costs of inspections. Frenchtown Fire District may assist homeowners with fuel reduction around residential buildings.

26. The gravel mining rights by Mineral County will be relinquished per written request by the Alberts.
27. Covenants, Conditions and Restrictions (CCRs) will remove language that pertains to day care operations. The CCRs will require that annual meetings be held and that the CCRs cannot be changed without consent of the governing body. Language that has Mineral County a party to the CCRs will be omitted.
28. An addition to the covenants shall state, "No discharging of firearms will be allowed within the subdivision unless for personal protection."
29. The recommendations for additional language by the Montana Fish Wildlife and Parks shall be incorporated into the covenants where feasible with the exception that the setback from the top of the river bank shall be 25 feet to comply with the Subdivision Regulations for Mineral County and the Towns of Alberton and Superior.
30. No disturbance or structures shall be within 25 feet behind the staked 100-year floodplain area or high bank, whichever is more restrictive. This information will be noted on the face of the plat.
31. The language, "The Covenants, Conditions, and Restrictions for Albert's Riverside Acres will not be changed without consent of the Mineral County Commissioners," will be noted on the face of the plat.
32. A turnaround will be provided at the corner of lot 18 that will allow for the snow removal and emergency response vehicles.
33. The covenants will have articles of incorporation that establish officers.
34. Lot 24 will need to be reviewed by the governing body to meet subdivision standards through the application process for any future development. This information will be noted on the face of the plat.

The Mineral County Board of Commissioners grants conditional final plat approval for the Albert's Riverside Acres subdivision. The decision is in part based on a variance request for length of road to exceed the maximum length of 1000 feet. If the developer is of the opinion that these conditions are unjust or not necessary the developer can appeal the governing body's decision in district court in accordance with MCA 76-3-625 within 30 days of the governing body's decision.

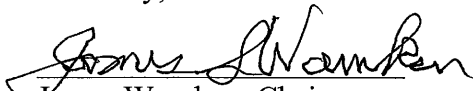
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Conditional Preliminary Plat Approval for the Albert's Riverside Acres

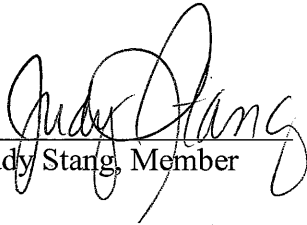
August 16, 2006

Enclosed are the Mineral County Commissioner's Findings of Fact regarding Albert's Riverside Acres. This preliminary conditional plat approval will be valid for a period of two years from the date of this letter. The applicants may request a one year extension of this conditional approval if the application is received prior to the two year deadline imposed by this letter.

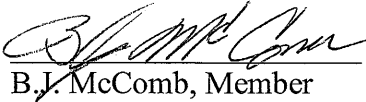
Sincerely,



James Warnken, Chairman  
Mineral County Commissioners



Judy Stang, Member



B.J. McComb, Member

Cc: Dennis Albert  
Mike & Donna Albert  
Jodie Albert