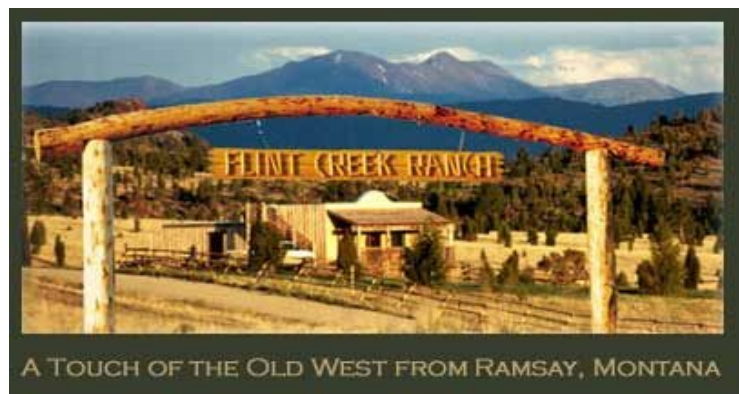


# ARCHITECTURAL REVIEW COMMITTEE GUIDELINES

Flint Creek Ranch Cluster ARC



Flint Creek Ranch Cluster Homeowners Association ARC  
FCRHOAARC@GMAIL.COM

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**Flint Creek Ranch Cluster**  
**July 27, 2021**  
**ARCHITECTURAL REVIEW COMMITTEE GUIDELINES**

## **Authority for Establishment**

The Architectural Design Guidelines and the Architectural Review Committee (ARC) are established by section 4.2, 'Architectural Review Committee,' of the Covenants, Conditions, and Restrictions (CCR), documents for Flint Creek Ranch Cluster. "ARC shall be responsible for reviewing and approving all building and landscaping plans for improvements constructed or placed on the Ranch property." (CCR§4.2)

ARC approval must be obtained in writing before

- beginning construction of any structure (CCR§4.2)
- exterior modification of any structure (CCR§4.2)
- landscaping plans (CCR§4.2)
- designation of a sacrifice area for keeping large animals on your parcel (CCR§4.7.1)
- any construction or modification of any structure for any permissible commercial use of your parcel (CCR§4.6)

## **Purpose**

The purpose of the Architectural Design Guidelines document is to assist the Parcel Owner with the architectural review process by highlighting all the applicable architectural items in the CCR's. The ARC wants to enable the Parcel Owner to achieve their desired level of parcel improvement while maintaining the natural aesthetics of the parcel and the ranch in general. It is not the purpose of these Guidelines to specify construction details, building code requirements, or minimum construction standards. The owner and their contractor/agent are responsible for these compliances. All improvements on a Parcel shall be subject to the limitations and requirements contained in the CC&Rs.

## **Penalties**

"Any Owner who causes or allows a building or landscaping to begin without the approval of the Committee shall be subject to fines, penalties, or lawsuit by the ARC or the Homeowners Association (HOA). Any Owner who causes or allows any building or landscaping to be completed or constructed in a manner that is not in conformance with the approved plans shall be subject to fines, penalties, or lawsuit by the ARC or HOA. In addition to a lawsuit, the HOA may place a lien on the subject Parcel if the fine or penalty assessed by the HOA is not paid in a timely manner to be determined by the HOA. Any successive Owner shall also be responsible for paying such fines and penalties and may be sued to recover such fines and penalties. If at any time the HOA must retain legal counsel to halt construction or modification of any building or landscaping or otherwise enforce this provision of the covenant, such Owner or successive Owner shall also be responsible for paying the HOA's legal fees, including attorney's fees, paralegal fees, and any other costs." (CCR§4.2)

## Appeals

“Decisions of the ARC may be appealed in writing to the ARC for reconsideration within 10 business days of the ARC’s written response to the Owner. The ARC will then have 10 business days to provide a written response. If the appeal is denied, the Owner may make a written appeal to the Board within 10 business days of the denial by the ARC. The Board shall provide a written response within 15 business days. The decision of the Board is final.” (Article V Section 2 of the FCR Bylaws.)

## Parcel Owner’s Responsibility - General

It is the parcel owner’s responsibility to be familiar with the following items:

- **Compliance with CCR’s:** The CCR’s are on the community website at [fcrhoa.org/home/documents](http://fcrhoa.org/home/documents). The ARC has created an *Application for Parcel Improvement* that contains the main checklist items for you.
- **Obtaining Butte-Silver Bow Permits:** The parcel owner and their contractor/agent are responsible for obtaining the appropriate Butte-Silver Bow Permits and complying with applicable governmental ordinances or regulations including, but not limited to, zoning ordinances, and building codes.
- **Parcel Maintenance:** Each parcel owner is responsible for the timely and appropriate maintenance of the parcel to ensure it is in good condition and presents a pleasing appearance. Maintenance includes, but is not limited to noxious weed control, no overgrazing, structures, fencing, and general condition of the parcel.
- **Property Lines:** It is the owner’s responsibility to locate or have located the parcel corners and property lines before starting any parcel improvement.
- **Setback Requirements:** It is the owner’s responsibility to be familiar with, and comply with, setback requirements.
- **Easements:** Drainage, road, utility, or other easements may not be impeded and are subject to the removal of any impediment that interferes with the purpose of the easement.

## General Guidelines

“All current and future Parcel Owners within the Flint Creek Ranch Cluster must act to preserve the natural features of the property (vegetation, drainage areas, water quality, etc.) to reduce the potential negative impacts on wildlife and wildlife habitat.” (CCR§5.8)

While there are many beautiful locations to put buildings, the septic drainage field can be a constraint on where you build. That perfect home site with the gorgeous view only works if there is adjacent land suitable for the septic system, the footprint of which is typically much larger than the home itself. We strongly urge you to review the Butte-Silver Bow County regulations and begin the septic permit process well before you break ground for your driveway, home, or other buildings. Part of our responsibility as a committee is to help homeowners maintain the natural aesthetics of your lot and the ranch in general. This means we want to avoid unnecessary clearing of trees and changing of the natural landscape, which has happened in the past when the septic placement was not fully considered before earth was moved and trees cleared.

“Dwellings, guest houses, and accessory buildings should blend harmoniously with the natural surroundings. Plain, boxy, unremarkable exteriors with little or no eye appeal will not be accepted.” (CCR§4.5.6) Architectural details such as multiple rooflines, dormers, covered porches, bay or box windows, kick-outs, etc... can add interest to an otherwise boxy appearance and is encouraged. A mix of exterior finishes made of natural materials or those that mimic natural materials, such as log, cedar, or other rustic wood treatments are also encouraged. Exterior colors in Earth-tones are appropriate for such a setting. “The ARC will take into consideration the building site, proposed landscaping, and the look and feel of the home. The intention is to be flexible while retaining a rustic, country atmosphere.” (CCR§4.5.6)

To ensure the design of the home meets the intent of the CCRs, drawings and a site plan are to be submitted to the ARC depicting the building elevations and location of the septic system, septic drain field, well, setbacks, and easements. They are to also include color samples/pictures of all exterior materials to be submitted to the ARC. The ARC shall respond within 3 calendar days of receiving a request with any initial comments or questions.

## Dwelling, Guest House, and Accessory Building Guidelines

### Building Definitions from the CCR:

- **Dwelling.** A single-family residence designed for and used as permanent living quarters having sleeping, cooking, and complete sanitary facilities.
- **Accessory Building.** A building of any size (such as a garage, barn, tack shed, storage shed, etc.) detached from a dwelling and used for purposes that are incidental and subordinate to a residential or permitted agricultural or commercial use.
- **Guest House.** A building or structure for use as temporary living quarters by guests of an Owner. A guest house must clearly be incidental or subordinate to a dwelling situated on the same Parcel of land. The guest house may have light cooking facilities, including a refrigerator, but shall not be used as a permanent dwelling. A guest house may not be rented out separately from the main residence.

Number of Buildings. “Only one Dwelling may be constructed on any parcel; however, each parcel may also have one appurtenant, non-commercial, guest house.” Accessory buildings are also allowed and not restricted in number. (CCR§ 4.1)

Dwelling Size. “The minimum allowable Dwelling size shall contain a minimum of 1,000 square feet on the main floor exclusive of patios, porches, or garages.” (CCR§ 4.5.1) Other buildings are not restricted other than they are incidental and subordinate to a dwelling.

Permanent Foundation. “All accessory buildings, dwellings, and guest houses must be on a permanent foundation.” (CCR§ 4.5.2)

Building Setback. “All dwellings, accessory buildings, and guest homes, not including access roads, fences, and utilities, must be set back at least fifty (50) feet from any Parcel boundary line or road right

of way boundary if the Parcel boundary line is within the road right of way.” (CCR§ 4.5.7)

Livestock Facilities Setback. “A barn, corrals, and livestock facilities near the Owner's dwelling are allowed, so long as manure is not allowed to accumulate. No barn, corral, or livestock facilities or other animal enclosure shall be constructed, installed, or placed within 100 feet of a river, stream, spring, or other water sources, or placed within 50 feet of any roadway or property line.” (CCR§ 4.7.1) (See below in ‘sacrifice area’ & ‘maintenance of property’ under the Landscape Guidelines for more information)

Sewage. Silver Bow County requires a septic permit before any building plans, whether a dwelling or an accessory building, can be submitted for county approval. Therefore, a septic permit is required with the ARC approval package for any improvements that require county building permits. Please note, that the CCRs require a greater setback than the county. “All buildings must have an approved and permitted septic system. Sewage shall be disposed of only by and through a septic system of adequate dimension and capacity and of a type approved by the Board of Health of the State of Montana. No septic tank septic system or drain field of any kind shall be nearer than fifty (50) feet to any Parcel line or road right of way if the Parcel line is within the road right of way, and no sewage, wastewater, trash, or debris shall be permitted to drain into any body of water in or adjacent to these Parcels.” (CCR§ 4.5.3) “Except for self-contained toilets during periods of construction, no outside toilets or privies shall be permitted on any Parcel. All toilet facilities must be part of the residence or other structure and shall be of a modern flush type and connected with a proper septic tank system approved by the Butte-Silver Bow County Sanitarian.” (CCR§ 4.8)

Roof Design. “Roof pitches on dwellings must be a 4/12 slope or greater.” (CCR§ 4.5.4) Accessory buildings and guest houses are not held to this. “Roofing type must be approved in writing by the ARC before construction begins on the building.” (CCR§ 4.5.4) Roofing materials are recommended to be fire retardant and should blend harmoniously with the natural surroundings.

Siding Materials. “All dwellings must have approved exterior siding.” (CCR§ 4.5.5) Natural materials or those that mimic natural materials such as “log, cedar, or other rustic wood treatments will be favored.” (CCR§ 4.5.5) Exterior colors in the earth tone spectrum are preferred so as to blend harmoniously with the natural surroundings.

Architectural Appeal. “Plain, boxy, unremarkable exteriors with little or no eye appeal will not be accepted. The ARC will take into consideration the building site, proposed landscaping, and the look and feel of the home. The intention is to be flexible while retaining a rustic, country atmosphere.” (CCR§ 4.5.6)

Pre-built Homes. Pre-built homes on permanent foundations that meet United States Federal Housing specifications as non-mobile, permanent, residential homes. Pre-built homes shall be new or “like new in appearance” before being placed upon the Parcel. (CCR§ 4.3)

Completion of Construction. “Construction of any structure on a Parcel must become completed within eighteen (18) months from the date of start of construction, or it will be considered a nuisance

and may be removed or otherwise abated by the HOA at the sole cost and expense of the Owner of the Parcel on which such building or other structure is situated. The HOA may set shorter or longer periods of time for good cause shown. The Architectural Committee may set longer periods of time for good cause shown.” (CCR§ 4.9) The HOA & ARC understand that construction is not always under the control of the owner. Short Construction windows and scarcity of materials can cause construction to linger on longer than anticipated, these fall under good cause for an extension beyond the eighteen months allotted if requested.

Temporary Dwelling: “No trailers, mobile homes, or other moveable living quarters shall be allowed as or considered a permanent dwelling. With the approval of the ARC, Parcel Owners may occupy a recreational vehicle on their parcel for up to 18 consecutive months while the permanent residence is under construction. This does not prohibit the Parcel Owners or Parcel Owner's guests from parking or using recreational vehicles on the Owner’s Parcel next to a permanent dwelling temporarily... This provision does not prevent the Owner of a Parcel from storing a recreational vehicle on the Parcel.” (CCR§ 4.3) “Each Parcel Owner may live in a recreational vehicle for up to 120 days in any calendar year so long as health and sanitary laws regulating sewage and waste disposal are followed by the Parcel Owner using the recreational vehicle. No recreational vehicle may be stored or left on a Parcel unless it is next to a permanent dwelling. No sewer waste may be dumped or deposited on any Parcel unless it is in an approved septic tank. Any Parcel Owner who wishes to live in a recreational vehicle on their Parcel must get a permit from the HOA.” (CCR§ 4.4)

Commercial Use. “ARC approval must be obtained in writing to add any structure to a Parcel or modify the exterior of any structure on a Parcel for any permissible commercial use.” (CCR§ 4.6.2) “No Parcels may be used for commercial purposes, except as follows: Small commercial businesses conducted in the dwelling or in an accessory building next to the dwelling may be permitted. Permissible commercial businesses include activities such as woodworking, crafts, studios, office for professional or consulting businesses, and similar type family businesses with no more than two non-family employees, provided there are no signs anywhere on the Parcel or Parcel improvements relating to the commercial business or enterprise. No Parcel Owner may operate a hog farm, livestock feedlot, or commercial poultry farm, or conduct any other activities that cause an accumulation of manure on any Parcel... Renting of guest houses is construed as commercial use and is prohibited.” (CCR§ 4.6.1)

## **Landscape Guidelines**

Landscape guidelines encompass anything outside of a building. “All current and future Owners of Parcels within the Flint Creek Ranch Cluster must act to preserve the natural features of the property (vegetation, drainage areas, water quality, etc.) to reduce the potential negative impacts on wildlife and wildlife habitat.” (CCR§5.8) The use and Improvement of each Parcel are subject to the following Landscape Guidelines:

Landscaping Plans. While the Covenants clearly state that the ARC is responsible for approving all landscaping plans, our concerns in this area are that native species within the Ranch are preserved as much as possible during the construction process and that noxious weeds are kept under control. We do not wish to micro-manage every flower, shrub, or tree you wish to plant while improving your

immediate yard area surrounding your home. We do ask that you plan carefully to ensure that you are planting species that are not invasive and recommend that you choose drought-resistant varieties suitable to the semi-arid climate.

Tree Removal. No approval is required before removing trees on a parcel. However, careful planning of your home site, with the septic system located and approved by the County before clearing trees and cutting in a driveway, can save many trees and natural landscape from unnecessary clearing should your choice of the site be found to be unsuitable. "An Owner may clear a building site of timber and shrubs, and is encouraged to create fire-safe zones around buildings. No other timber cutting is allowed which adversely affects the aesthetic quality of a Parcel." (CCR§ 4.10)

Maintenance of Property. "Each Owner shall maintain his or her Parcel and improvements in good repair and appearance at all times. No Owner may overgraze their Parcel or allow manure to accumulate. Each Parcel Owner shall be responsible for the control and removal of noxious weeds on their Parcel. In the event a Parcel Owner does not remove noxious weeds on their Parcel, the HOA, or the applicable government authority (currently the County Weed Board) may enter the Parcel and take whatever steps necessary to remove noxious weeds at the expense of the Parcel Owner." (CCR§ 5.2)

Utility Lines and Propane tanks. "All owner-installed utility lines must be buried. All propane tanks and lines must be buried. Existing overhead or above-ground power lines are not subject to this covenant." (CCR§ 3.3)

Fences. "Fences & gates must be approved by the ARC in writing before the construction or placement of such fences is permitted on any Parcel. Barbed wire fences may only be used on property lines that border other property lines, but not along road easements or proposed road easements. Jack fences or wooden pole fences will be allowed along road easements. All fencing plans, along with details about the materials proposed to be used must be submitted in writing to the ARC for approval before construction. All fences constructed or placed along a road or an easement for a road must be constructed or placed at least 30 feet from the centerline of the road." (CCR§ 4.5.8)

Sacrifice Area. "Before large animals are permitted on a Parcel, a sacrifice area shall be approved by the ARC." (CCR§ 4.7.1) "The sacrifice area shall not be more than one acre." The sacrifice area is land that is designated by an Owner and approved by the ARC as an area of land on a Parcel wherein large animals, as defined in Section 4.7.1, shall be kept and fed in order to prevent the remaining land in a Parcel from being overgrazed." (CCR§ Definition 22) "No Owner may overgraze their Parcel or allow manure to accumulate." (CCR§ 5.2)

Culverts. To properly maintain roads, when you put in a driveway off the main road, if you are on the uphill side of the road within the 30 ft road easement, the parcel owner will be responsible for the placement of a culvert to allow the water to drain without damaging the roads. Please work with the Flint Creek Ranch Road Committee to ensure proper placement and design before the completion of your driveway.

Mining. No mining, quarry, or excavation is allowed on any Parcels at the Ranch. (CCR§ 4.11)



Exterior Lighting. Although lighting does not require approval before installation, “no light shall be emitted from any Parcel or other portion of the Ranch property which is unreasonably bright or causes unreasonable glare shall be emitted from any Parcel or other portion of the Ranch which are noxious or offensive to others.” (CCR§ 5.6)

Signs. “Signs are not allowed, except a sign no larger than nine square feet identifying the architect and the prime contractor during the course of construction, and a sign no larger than nine square feet for the Owner to advertise his home or Parcel for sale. No signs or advertising devices, including, but without limitation, commercial, political, informational, or directional signs or devices, shall be erected or maintained on any of the Parcels, except signs approved in writing by the HOA as to size, materials, color, and location (CCR§ 4.12)

- (a) as necessary to identify ownership of the Parcel and its address
- (b) as necessary to give directions
- (c) as necessary to advise of rules and regulations
- (d) as necessary to caution or warn of danger
- (e) as may be required by law “

FLINT CREEK RANCH CLUSTER HOMEOWNERS ASSOCIATION  
ARCHITECTURAL REVIEW COMMITTEE ("ARC")  
FCRHOAARC@GMAIL.COM

## ARC Welcome Letter

Flint Creek Ranch Cluster Parcel Owner:

The Flint Creek Homeowner's Association (HOA) and Architectural Review Committee (ARC) would like to welcome you to the community!

To assist you through the architectural review process, the ARC Guideline Document consolidates all the related CCR items with references to the CCR's for your convenience to review. We have also consolidated the submittal requirements into the following:

- 1.1. ARC Application for Parcel Improvement
- 1.2. If no septic system exists on the parcel, a septic permit with a 50 ft setback indicated on the site plan
- 1.3. A Site Plan with the following items depicted:
  - 1.3.1. Depict the location of the project(s) on the parcel in relation to the lot lines and setbacks from lot lines.
  - 1.3.2. Depict new items needing approval on the application in relation to existing items already on-site (such as Driveway, septic tank, septic drain field, backup septic drain field, well, buried utility lines, buried propane tank, buildings, fencing, sacrifice area, etc.).
  - 1.3.3. Identify streets surrounding the parcel
  - 1.3.4. Depict easements and stream buffer zones (if applicable)
  - 1.3.5. Directional arrow (North)
- 1.4. If constructing or modifying a building,
  - 1.4.1. Roofing and exterior materials color chips, samples, photos, or brochures provided for reference
  - 1.4.2. Structural drawing with elevations (facades), measurements, roof pitch, and square footage noted
  - 1.4.3. Timeline of construction, if you believe it will take longer than 18 months per building, please provide good cause for approval on an extended timeline
  - 1.4.4. RV permit request if you plan to occupy an RV on site for up to 18 months during construction of a permanent residence
  - 1.4.5. Please indicate if intended for commercial use

These items will help us verify that you are meeting the requirements laid out in the CCR's. If you are missing any of these items, we may have to reach back out to you to request them.

If you are wanting to start any work and do not yet have a septic system, obtain your septic permit then submit your package as soon as possible to give the committee 3 calendar days after receiving a request to reply with any initial comments or questions. We would like to move you through the ARC process as quickly as possible so communication with us is of the utmost importance. You may contact the ARC with any questions you may have before submitting your plans by sending an email to [FCRHOAARC@GMAIL.COM](mailto:FCRHOAARC@GMAIL.COM)

Sincerely,

Architectural Review Committee  
Flint Creek Ranch Cluster Homeowners Association

FLINT CREEK RANCH CLUSTER HOMEOWNERS ASSOCIATION  
 ARCHITECTURAL REVIEW COMMITTEE ("ARC")  
 FCRHOAARC@GMAIL.COM

## APPLICATION FOR PARCEL IMPROVEMENT

Owner(s) Name \_\_\_\_\_ Date \_\_\_\_\_  
 Lot Number \_\_\_\_\_ Lot Address (if applicable) \_\_\_\_\_  
 Phone \_\_\_\_\_ Email \_\_\_\_\_  
 Owner(s) Mailing Address \_\_\_\_\_  
 City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

### Checklist of Work

*We have included all the columns to keep it to a quick document, but you will only need to fill in the columns for the items you are asking for approval for in your submission*

| Buildings (Construction or Modification)   | Dwelling | Accessory Building 1 | Accessory Building 2 | Accessory Building 3 | Guest House |
|--|----------|----------------------|----------------------|----------------------|-------------|
| Septic Permit Included with the application for buildings  |          |                      |                      |                      |             |
| Septic system and drain field are not nearer than 50 ft to any Parcel line or road right of way                    |          |                      |                      |                      |             |
| All Buildings Set back at least 50 ft from any Parcel boundary line or road right of way boundary                  |          |                      |                      |                      |             |
| Permanent foundation (exception for Sheds may be requested in the other construction section box below)            |          |                      |                      |                      |             |
| Blends harmoniously with the natural surroundings through colors and finishes                                      |          |                      |                      |                      |             |
| Roofing & Exterior Finishes Materials, Manufacturer, & Colors listed below   |          |                      |                      |                      |             |
| Roofing & Exterior Finishes samples/pictures included  |          |                      |                      |                      |             |
| Propane tank & utility lines buried  |          |                      |                      |                      |             |
| Construction will be completed within 18 months  |          |                      |                      |                      |             |
| Not being used for commercial purposes   |          |                      |                      |                      |             |
| Not a plain, boxy, unremarkable exterior with little or no eye appeal (include Structural drawing with elevations) |          |                      |                      |                      |             |
| A peaked roof of 4/12 or greater   |          |                      |                      |                      |             |
| Single-family residence  |          |                      |                      |                      |             |
| Minimum 1,000 sq ft of living space on the main floor, exclusive of patios, porches, or garages                    |          |                      |                      |                      |             |
| Owner is requesting an RV Permit to reside in for up to 18 months during the construction of a permanent residence |          |                      |                      |                      |             |
| If applicable, pre-built home meets US Federal Housing specifications as non-mobile, permanent, residential homes  |          |                      |                      |                      |             |
| If applicable, a pre-built home is new or like new in appearance before being placed                               |          |                      |                      |                      |             |

| <b>Buildings (Construction or Modification)</b>   | <b>Dwelling</b> | <b>Accessory Building 1</b> | <b>Accessory Building 2</b> | <b>Accessory Building 3</b> | <b>Guest House</b> |
|---|-----------------|-----------------------------|-----------------------------|-----------------------------|--------------------|
| Not placed within 100 ft of a river, stream, spring, or other water sources, if it is a barn, corral, livestock facility, or another animal enclosure |                 |                             |                             |                             |                    |
| Clearly incidental or subordinate to a dwelling situated on the same Parcel of land.  |                 |                             |                             |                             |                    |
| Roofing & Exterior Finished Material Type, Manufacturer, & Colors listed:   |                 |                             |                             |                             |                    |
|   |                 |                             |                             |                             |                    |

| <b>Fencing</b>  |  |
|---|--|
| Barbed wire fences not along road easements (picture or diagram of fence Type)                                  |  |
| Jack fences or wooden pole fences allowed along road easements (picture or diagram of fence Type)               |  |
| If along a road or an easement for a road, constructed or placed at least 30 ft from the centerline of the road |  |

| <b>Sacrifice Area</b>  |  |
|--|--|
| Sacrifice Area designated is one acre or less for livestock to prevent overgrazing of parcel |  |

| <b>Other Comments, Construction, Modification, or Landscaping Projects</b> |  |
|--|--|
| If yes, please describe:   |  |
|  |  |

-----  
**ARC Use Only:**

Application Approved?  Yes  No Date \_\_\_\_\_ ARC Member 1 \_\_\_\_\_  
Application Approved?  Yes  No Date \_\_\_\_\_ ARC Member 2 \_\_\_\_\_  
Application Approved?  Yes  No Date \_\_\_\_\_ ARC Member 3 \_\_\_\_\_  
Application Approved?  Yes  No Date \_\_\_\_\_ ARC Member 4 \_\_\_\_\_  
Application Approved?  Yes  No Date \_\_\_\_\_ ARC Member 5 \_\_\_\_\_

Stipulations/Explanation:

# RV Permit



A TOUCH OF THE OLD WEST FROM RAMSAY, MONTANA

## **FLINT CREEK RANCH RV PERMIT**

Lot Number

Expires

Valid From

Permit Number