

**FINDINGS OF FACT FOR THE PRELIMINARY PLAT OF THE PLAT OF PARCEL NO. 1 AND THE REMAINING TRACT OF CERTIFICATE OF SURVEY #3201, HEREINAFTER REFERRED TO AS ELI SUBDIVISION, APPLICATION LOCATED IN SECTION 24, TOWNSHIP 21 NORTH, RANGE 1 EAST, P.M.M., CASCADE COUNTY, MONTANA**

The subdivision application requesting preliminary plat approval for the Eli Subdivision was received on July 2, 2019. It was determined to contain all required components sufficient for adequate review on August 5, 2019 and scheduled for a public meeting for the Cascade County Planning Board on August 20, 2019 pursuant to statutory requirements. Adjacent owners were mailed notice of the Planning Board and Commissioner's hearings on August 7, 2019, and Interested Agencies were solicited for comment on the same day.

Ronald & Spence Eli, request the removal of the agricultural covenant and preliminary plat approval for a single lot. The exemption restricts future use of the property to agricultural purposes and is revocable "only by mutual consent of the governing body and the property owner... (76-3-201 (1) (f) (Montana Code Annotated (2017))". This subdivision application will remove the agricultural use restriction on the property. The total acreage of the parcel with the restriction is 3.987 acres. The parcel number is 0005725400 and the geocode is 02-3136-24-3-03-05-0000.

**I. PRIMARY REVIEW CRITERIA**

**Effect on Agriculture**

The proposed subdivision is presently undeveloped. It is currently zoned Mixed Use (MU) and borders other Mixed Use (MU) zoned properties that are used varyingly for residences, businesses, and a school. The lot is currently accessed from Couch Ave and US Hwy 89, AKA MT-200.

The soil is Havre loam, saline, and Lallie silty clay loam, and is not considered prime farmland or farmland of statewide importance.

**Effect on Local Services**

The proposed subdivision receives law enforcement services from the Cascade County Sheriff's Department and fire protection from the Vaughn Fire Department. The project is exempt from onsite fire cistern requirements per 10-15(E) of the Cascade County Subdivision Regulations, as fire protection measures are only needed when creating four (4) or more lots, or in subsequent minor subdivisions of three (3) or more lots. This subdivision would not create any new lots.

A letter requesting comments was sent to the Vaughn Volunteer Fire Department Chief by certified mail on August 7, 2019 and any response received from them will be forwarded to the Planning Board and the County Commissioners. No comments have been received at the time of writing this report.

The parkland requirement is waived pursuant to 76-3-621(3)(c) Montana Code Annotated (2017) since no additional lots are being created.

Letters requesting comments were sent to the Montana Department of Transportation and the Cascade County Road and Bridge Division on August 7, 2019. No comments have been received at the time of writing this report.

### **Effects on the Natural Environment**

The removal of the Agricultural Covenant is not expected to create significant surface run-off problems, since no new lots will be created and no development will be taking place. The proposed development is protected from flooding by the Vaughn levee, and will not alter any lakebeds or stream channels. The Department of Environmental Quality will be required to review future development as part of the Sanitation in Subdivisions Act.

The area to be subdivided is made up of Havre loam, saline (11.7% coverage), and Lallie silty clay loam (88.3% coverage) and is not considered prime farmland or farmland of statewide importance. The project was sent to the Cascade Conservation District for review, any comments received will be forwarded to the Planning Board and Commissioners. No comments have been provided at the time of writing this report.

The subdivision is not expected to adversely affect native vegetation, soils, water quality, or the quantity of surface or ground waters. No new parcels are being created and the parcel is currently undeveloped except for one steel structure.

### **.Effect on Wildlife and Wildlife Habitat**

This location is in an area that has been and is continuing to be developed commercially and residentially. There are no important habitats, wildlife areas, migration routes, wetlands, or habitat for sensitive or endangered species. Letters requesting comment have been submitted to the Department of Fish, Wildlife, and Parks. No comments have been received at the time of writing this report. The subdivision will not result in closure of public access to hunting or fishing areas, nor to public lands.

### **Effect on Public Health and Safety**

Based on available information, this subdivision does not appear to be subject to potential natural hazards such as flooding and rock slides; nor potential man-made hazards such as nearby heavy industrial or mining activity. Fire and emergency services have been addressed. Vehicle access to the subdivision is available from US Highway 89 and Couch Ave.

## **II. REQUIREMENTS OF MONTANA SUBDIVISION AND PLATTING ACT, UNIFORM STANDARDS FOR MONUMENTATION, AND LOCAL SUBDIVISION REGULATION**

The subdivision meets requirements of the Montana Subdivision and Platting Act and the surveying requirements specified in the local subdivision regulations. The subdivider and the local government have complied with the subdivision review and approval procedures set forth in the local subdivision regulations.

### **III. COMPLIANCE WITH THE CASCADE COUNTY GROWTH POLICY**

The proposed subdivision is in general compliance with the Cascade County Growth Policy to preserve and enhance the rural, friendly, and independent lifestyle currently enjoyed by Cascade County's citizens, designing subdivisions so as to minimize the risk of fire, promoting adequate ingress and egress, adequate water supply systems, requiring local review of subdivisions to meet DEQ regulations, and by complying with a weed management plan. The area is not located in a designated Resource Protection Area, Prohibitive Development Area or Conditional Development Area; therefore, those standards are not applicable to the proposed subdivision.

#### **SETBACK STANDARDS**

The minimum standards for future development must comply with the Cascade County Zoning Regulations.

#### **SLOPE STANDARDS**

Development on slopes exceeding twenty-five percent (25%) is prohibited except where a licensed engineer, with demonstrated experience in the field of slope stabilization certifies that the development will create no slope failure or erosion hazards.

#### **OFF-STREET PARKING STANDARD**

All parking for future development in the proposed subdivision will be required to be on the premises and entirely off street.

#### **RESIDENTIAL DEVELOPMENT STANDARD**

The minimum standards for future development must comply with the Cascade County Zoning Regulations.

#### **SOIL EROSION STANDARD**

The proposed subdivision should not cause soil erosion or other adverse impacts of runoff on neighboring properties or roads. Future change of use for the property will require review by the Department of Environmental Quality to ensure compliance with statute.

#### **SOILS LIMITATIONS STANDARD**

Soils that have moderate or severe limitations for the proposed subdivision will be identified and measures to mitigate such limitations will be implemented.

#### **ROAD ACCEPTANCE AND MAINTENANCE POLICY**

A waiver of the developer's right to protest an RSID is required by Cascade County to allow the county to impose an RSID on the individual lots of the subdivision for future deterioration and improvements to the roadway if it becomes necessary. A letter has been sent to the County Road Supervisor asking for comments on the proposed subdivision.

## FIRE PROTECTION STANDARD

It lies within and receives fire protection services from the Vaughn Volunteer Fire District. Response time will be dictated by weather and road conditions, however is in close proximity to the Vaughn Fire Station. A letter has been sent to the Vaughn Fire Chief, by certified mail, asking for comments on the proposed subdivision. No comments have been received at the time of writing this report. Any comments received after the publication of this report will be sent to the Planning Board and the County Commissioners. Additional fire protection standards such as a fire prevention cistern is not required for subdivisions of under three (3) lots.

## SCHOOL SYSTEM'S CAPACITY STANDARD

Letters were sent to the Cascade County Superintendent of Schools as well as the Great Falls Superintendent of Schools asking for comments about the proposed subdivision, any comments will be sent to the Planning Board and County Commissioners. No comments have been received at the time of writing this report.

## EASEMENT FOR UTILITIES

There are no new proposed utilities at this time.

## LEGAL AND PHYSICAL ACCESS

There is an existing approach off US Highway 89 and Couch Ave, as well as potential future access from 4<sup>th</sup> St.

## **IV. OPTIONS AND RECOMMENDATIONS**

In making their recommendations and decisions, the Cascade County Planning Board and the Cascade County Commission shall consider the following:

- 1) relevant evidence relating to the public health, safety, and welfare;
- 2) the Summary of Probable Impacts;
- 3) the Cascade County Growth Policy; and
- 4) the provisions outlined in the Cascade County Subdivision Regulations and the Montana Subdivision and Platting Act.

## **V. DECISION ALTERNATIVES**

- 1) Approve the proposed subdivision.
- 2) Approve the proposed subdivision with conditions.
- 3) Table the proposed subdivision for further study.
- 4) Deny the proposed subdivision.