

CASCADE COUNTY PLANNING BOARD

PLANNING STAFF: Report and Recommendations
REGARDING: Planning Board Public Hearing on August 20, 2019
SUBJECT: Eli Subdivision Preliminary Plat
PRESENTED BY: Sandor Hopkins, Planner

GENERAL INFORMATION

Applicant/Owner: Ronald & Spence Eli
Property Location: NE ¼ SW ¼ of Section 24, Township 21 North, Range 1 East, P.M.M. Cascade County, Montana. Parcel Number: 0005725400 and Geocode:02-3136-24-3-03-05-0000.
Existing Zoning: Mixed Use (MU) District
Requested Action: Subdivision Review
Purpose: To remove an agricultural covenant on a 3.987 acre lot. No additional lots would be created with the approval of the Eli Subdivision.
Existing Land Use: The parcel is currently undeveloped.

SURROUNDING LAND USES

North: Residential lots and Vaughn Public School, Couch Ave
East: Silver Spur Saloon, accessory use lot, and Mobile Home Park
South: Valley Country Store, Darryl's Tire & Service Center, US Hwy 89
West: Valley Country Store, Residential

SPECIAL INFORMATION

1. The Planning Board is in receipt of a preliminary plat application from Ronald & Spence Eli to remove an agricultural covenant and approve the Preliminary Plat of Parcel No. 1 and the Remaining Tract of Certificate of Survey #3201, referred to in this staff report as "Eli Subdivision Preliminary Plat." This proposed subdivision is located in the NE ¼ SW ¼ of Section 24, Township 21 North, Range 4 East, P.M.M. Cascade County, Montana.
2. Attached is a copy of the subdivision preliminary plat application and supplemental materials, which will remove the agricultural covenant on a 3.987 acre parcel.
3. Access to the parcel exists via existing approaches off Couch Ave and US Hwy 89, AKA MT-200.

4. The parkland requirement is waived pursuant to 76-3-621(3)(c) Montana Code Annotated (2017), as no additional lots are being created.
5. The proposed subdivision will receive law enforcement services from the Cascade County Sheriff's Department and fire protection services from the Vaughn Fire Department. Response time will be dictated by weather and road conditions.
6. Pursuant to 76-3-609 (2) (e), Montana Code Annotated (2017), a public hearing is not required for this minor subdivision.
7. There are no delinquent taxes on this property.
8. An Environmental Assessment is not required pursuant to 76-3-609 (2) (d) (i), Montana Code Annotated (2017) as it is a first-time minor subdivision.
9. The property is in an area protected from flooding by the Vaughn Levee.
10. 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 review would not be creating any new lots.
11. The property is not located in the Wild Land Urban Interface as determined by the *Community Fire Plan Wild Land-Urban Interface for Cascade County*.
12. This proposal will maintain the sanitary restrictions placed on the property by the original certificate of survey, and will not be required to obtain approval from the Department of Environmental Quality. Future development will require this approval, however removing the agricultural covenant will allow other property line work to be done without the encumbrance of the covenant.
13. Legal notice of this proposed subdivision was sent to surrounding property owners on August 7, 2019
14. Interested Agencies were provided with notification letters and a request for comments on August 7, 2019. No comments have been received at the time of writing this report.

CONCLUSION

This proposed subdivision meets the requirements of the Cascade County Subdivision Regulations, as well as Montana's Subdivision and Surveying Laws and Regulations.

RECOMMENDATIONS

The following recommendations are provided for the Board's consideration:

"I move to recommend to the Cascade County Commission after consideration of the Staff Report and Findings of Fact that the Preliminary Plat of Parcel No. 1 and the Remaining Tract of Certificate of Survey #3201 be **denied**;

or:

"I move to recommend to the Cascade County Commission after consideration of the Staff Report and Findings of Fact that the Preliminary Plat of Parcel No. 1 and the Remaining Tract of Certificate of Survey #3201, be **approved**, subject to the following conditions:

1. Having the developer's surveyor correct any errors or omissions on the preliminary plat;
2. Causing to be prepared certificates of title of the land in the subdivision to be recorded in conjunction with the final plat;
3. Submitting with the plat a certificate of a title abstracter showing the names of the owners of record of the land and the names of any lien holders or claimants of record against the land (76-3-612 Montana Code Annotated (2017)).
4. Pursuant to 7-22-2152, Montana Code Annotated (2017), submitting a written plan to the Cascade County Weed Board specifying the methods for weed management procedures with regards to this development to then be filed in conjunction with the final plat.
5. Causing to be recorded in conjunction with the final plat, an agreement requiring property owners of each subdivision tract to take part in any Rural Special Improvement District (RSID) for the reconstruction, improvement or perpetual maintenance of any road that can be used to access these lots as determined by Cascade County, provided that all other property owners served by said road share equitably in such an RSID. This waiver will expire 20 years after the date the final plat is filed with Cascade County. This statement of waiver shall be placed on the final plat.

Attachments: Findings of Fact
Subdivision Preliminary Plat Application

c: Ronald & Spence Eli
Matt Morris, Morris Land Surveys