

CASCADE COUNTY PLANNING BOARD

PLANNING STAFF: Report and Recommendations

REGARDING: Planning Board Public Hearing on June 4, 2019

SUBJECT: Major Subdivision Preliminary Plat, River Bend Estates Phase 2, located in the SW ¼ of Section 34, T. 20 N., R. 3 E., P.M. Cascade County, Montana

PRESENTED BY: Sandor Hopkins, Planner

GENERAL INFORMATION

Applicants/Owners: Rick and Judy Higgins, Higgins Enterprises LTD

Property Location: This proposed subdivision is River Bend Estates Phase 2, Major Subdivision, Parcel #0002019130, Geo Code 02-3015-34-3-01-01-0000 in the SW 1/4, Section 34, Township 20 N., Range 3 E., P.M. Cascade County, Montana.

Existing Zoning: Suburban Residential 2

Requested Action: Subdivision Review

Purpose: To create twelve (12) residential lots, one (1) parkland lot, one (1) lot in the Special Flood Hazard Area to be rezoned Open Space, and one remaining tract of land.

Existing Land Use: The existing lot is undeveloped

Surrounding Land Uses: Residential, Vacant, Missouri River

SPECIAL INFORMATION

1. The Planning Board is in receipt of an application from Rick and Judy Higgins, Higgins Enterprises LTD, to recommend approval of the major subdivision preliminary plat to the County Commissioners. This proposed subdivision, is located in the SW 1/4, Section 34, Township 20 N., Range 3 E., P.M.M. Cascade County, Montana
2. Attached is a copy of the major plat, which will subdivide 143.02 acres into fifteen (15) lots. The new residential lots will be sized from 2.00 acres to 2.70 acres, one parkland lot of 1.425 acres, one Open Space lot of 0.34 acres, and a remaining tract of 115.56 acres.

3. Pursuant to 76-3-605, MCA a public hearing is required for this major subdivision.
4. There are no delinquent taxes on this property.
5. An Environmental Assessment is required pursuant to 76-3-603(1)(a), MCA (2017).
6. The project lies inside of the Outer Horizontal Surface Military Overlay District, which prohibits development of structures over 500 feet above the helicopter runway at Malmstrom, 3,526 feet. The highest elevation point of this development is approximately 3435 feet.
7. One lot will be created in the Special Flood Hazard Area. An established Base Flood Elevation of 3334.7 has been used to delineate the boundary of the floodplain and the lot in this area. This lot is required to be rezoned to Open Space pursuant to Section 10-14 (A) of the Cascade County Subdivision Regulations. The rezone petition has been attached to this packet.
8. Legal notice of this proposed subdivision was sent to surrounding property owners on May 16, 2019 and appeared in the Great Falls Tribune on May 19, 2019 & May 26, 2019.
9. Interested Agencies were provided with notification letters and a request for comments on May 15, 2019. Cascade County GIS Division provided comment recommending that the road names for River Bend Road West and River Bend Road East be re-named using either Lane or Drive. A copy of the correspondence is attached to this staff report. No other agencies provided comment as of the publishing of this report.
10. Access to the proposed subdivision will be granted by two new approaches from Flood Road. Access to the lots will be provided by an internal road system.
11. The applicant's Traffic Impact Study estimates that when fully developed, this subdivision will generate an additional 118 trips per day along Flood Road. According to the 2014 Great Falls Area Long Range Transportation Plan, the theoretical roadway capacity of Flood Road is 12,000 vehicles per day and the average annual daily traffic is 1,405 trips. Based on these numbers Flood Road has adequate capacity to handle the traffic generated from this subdivision.
12. Parkland dedication is a requirement of this proposed subdivision. The 12 proposed residential lots will cover 26.20 acres, and the developer is required to dedicate parkland to 5% of the residential area, 1.31 acres. The applicant proposes a 1.425 acre park lot.

- 13. The proposed subdivision will receive law enforcement services from the Cascade County Sheriff's Department and fire protection services from the Gore Hill Volunteer Fire Department. Response time will be dictated by weather and road conditions.

- 14. According to the Community Fire Plan Wildland-Urban Interface for Cascade County and Dearborn Fire District, Lewis and Clark County, the property is designated as Low to Moderate Terrain/Fuel Hazard. The proposed subdivision will include the installation of a Fire Suppression cistern on site that will serve as the fire protection source. The developer has proposed a 32,000 gallon storage tank and a dedicated easement for the cistern, well, and gravel turn-around, to accommodate The previous River Bend Estates major subdivision and the currently proposed subdivision.

CONCLUSION

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

RECOMMENDATIONS

The following motions 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, **deny**, a major subdivision, a Preliminary Plat of River Bend Estates Phase 2 and associated rezone request;

or

"I move to recommend to the Cascade County Commission after consideration of the Staff Report and Findings of Fact, adopt said Staff Report and Findings of Fact and **approve**, a major subdivision, a Preliminary Plat of River Bend Estates Phase 2, and associated rezone request pursuant to Section 10-14(1) of the Cascade County Subdivision Regulations, 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 lien holders or claimants of record against the land (M.C.A. 76-3-612, 2017).

- 4. Causing to be recorded in conjunction with the final plat the covenants of the

Major Plat that contain, at a minimum, a noxious weed control program, an erosion control program, a limit to livestock and pets, a provision prohibiting commercial or industrial uses, and that impose upon all landowners the exclusive responsibility to improve and maintain the public rights of way created by and indicated on the subdivision plat.

5. Causing to be recorded in conjunction with the final plat homeowners' association documents with sufficient authority and procedural mechanisms to administer, enforce, and fund the perpetual maintenance and discretionary improvement of the public rights of way created by and indicated on the subdivision plat.
6. Causing to be recorded on the plat a statement concerning limited public services.
7. Pursuant to 7-22-2152 M.C.A. (2017), submitting a written plan to the Cascade County Weed Board specifying the methods for weed management procedures with regards to this development.
8. Causing to be recorded on the plat an Agriculture Notification statement.
9. A lot dedicated to parkland and the homeowner's association, no smaller than 1.31 acres, or 1.425 acres as shown on the preliminary plat.
10. 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 Flood Road, or any county road in the vicinity used to access the major subdivision, River Bend Estates, or any other 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 shall 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.
11. Design, construction, inspection, and certification, by a licensed professional engineer, of all internal private roads and cul-de-sacs to Cascade County Subdivision Road Specifications, as well as the purchase and installation of all required street signs and stop signs. All of the above items to be at the developer's expense and to be completed prior to the approval of the final plat.
12. The inclusion on the major plat a statement provided by Cascade County certifying the status of the internal subdivision roads.
13. The inclusion of setbacks in the covenants as required by the Cascade County Zoning Regulations.
14. Montana Department of Environmental Quality (MDEQ) Certificate of Subdivision Approval (COSA) shall be submitted with the final plat.

15. Cause to be filed with final plat a Declaration of Covenant that declares that all of the properties described shall be held, sold, and conveyed subject to the following covenant which shall run with the real property and be binding on all parties having any heirs, successors and assigns, and shall bind each owner thereof. The covenant may be revoked for any or all parcels within the subdivision by mutual consent of the owners of the parcels in question and the governing body of Cascade County.
16. A fire suppression cistern with a minimum capacity of 16,000 installed on-site, properly maintained and equipped with the proper appurtenances for the Gore Hill Volunteer Fire Department to use for firefighting at all times. Provide the developers install and the homeowners association maintain an accessible approach for access to the cistern at all times.
17. The homeowners association shall be responsible for the continual maintenance of the equipment subject to adequate inspections by the Fire Chief of the Gore Hill Volunteer Fire Department to insure the equipment is being properly maintained.
18. MDEQ approval for the proposed site grading and drainage and stormwater conveyance system shall be submitted prior to final plat approval. Additionally, final engineering plans, stamped by a professional engineer in the State of Montana, shall be submitted to the Cascade County Planning Division with the final plat submittal.
19. A copy of the MDEQ General Discharge Permit for Stormwater associated with construction activity shall be submitted prior to final plat approval, if applicable.

Attachments: Findings of Fact
Reduced Copy of Preliminary Plat
Rezone Petition
GIS Division Comment

cc: Rick and Judy Higgins, Higgins Enterprises LTD
Jason Crawford and Brad Koon, Triple Tree Engineering