

## **FINDINGS OF FACT FOR A PRELIMINARY PLAT OF RIVER BEND ESTATES PHASE 2 MAJOR SUBDIVISION LOCATED IN THE SW 1/4, SECTION 34, TOWNSHIP 20 N., RANGE 3 E., P.M. CASCADE COUNTY, MONTANA**

The application requesting preliminary plat approval for River Bend Estates Phase 2 major subdivision was received on March 28, 2019. The submittal was determined to contain all required components sufficient for adequate public review on May 15, 2019 and scheduled for public hearing for the Cascade County Planning Board on June 4, 2019 pursuant to statutory requirements. Notice of the public hearing was sent to adjacent property owners on May 16, 2019 and published in the Great Falls Tribune on May 19, 2019 and May 26, 2019.

Triple Tree Engineering (subdivider) and Rick and Judy Higgins, Higgins Enterprises LTD (Owners) request preliminary plat approval for River Bend Estates major subdivision consisting of twelve (12) residential lots ranging in size from 2.00 acres to 2.70 acres, a parkland lot of 1.425 acres, and an Open Space lot in the Special Flood Hazard Area of 0.34 acres. The total acreage of the project site is 28.435 acres.

### **I. PRIMARY REVIEW CRITERIA**

#### **Effect on Agriculture**

The proposed subdivision presently consists of one (1) parcel of land (143.02 acres) within the Suburban Residential 2 (SR2) Zoning District. To the north and east of the project site is residential vacant land in the Suburban Residential 2 Zoning District associated with the previously approved preliminary plat for River Bend Estates. To the south is the Missouri River and more undeveloped land, and to the west is a recently permitted single family residence on a 36.23 acre tract of land. The soil is made up largely of Big Timber-Castner complex, and Ipano-Hillon complex soils, neither of which are considered farmland of statewide importance. The parcel is of a size that it could potentially be put into agricultural production, however the poor viability of the soil would hinder sustainable agricultural operations and the pattern of development for the area lends itself more appropriately to further residential development.

#### **Effect on Local Services**

The proposed subdivision will receive law enforcement services from the Cascade County Sheriff Department and fire protection services from the Gore Hill Volunteer Fire Department. The developer will be required to install a fire suppression cistern with a capacity of 16,000 gallons, or 10,000 gallons minimum, plus an additional 500 gallons per residential lot.

A letter requesting comments was sent to the Gore Hill Volunteer Fire Department Chief and any response received from them will be forwarded to the Planning Board and the County Commissioners.

Parkland dedication is required as part of this subdivision. Per the subdivision regulations, 5% of the acreage subdivided for residential use is required to be dedicated as parkland. Since 25.35 acres are being subdivided for residential purposes, 1.31 acres will be the minimum parkland dedication ( $26.20 * .05 = 1.31$ ). The applicant has proposed a 1.425 acre tract as parkland.

Based on trip generation factors available from the Institute of Transportation Engineers and the Great Falls Area Long Range Transportation Plan, the 12 new residences that feed onto Flood Road will generate an additional 118 trips per day, on a road that estimates approximately 1,405

trips per day. The estimated capacity of Flood Road is 12,000 vehicles per day, and would be well under the capacity of the road with the addition of this new subdivision.

Letters requesting comments were sent to the Montana Department of Transportation and the Cascade County Road and Bridge Division. Any comment will be forwarded to the Planning Board and the Cascade County Commission.

### **Effect on the Natural Environment**

Subdivision of the site is not expected to create significant surface run-off problems. The proposed development is outside of any regulated floodplains, will not alter any lakebeds or stream channels, and is approximately a quarter mile north of the Missouri River. The Department of Environmental Quality will review the subdivision plan as part of the Sanitation in Subdivisions Act, and will include a review of the storm water design to mitigate runoff resulting from development in the subdivision.

The soil is made up mostly of Big Timber-Castner complex and Ipano-Hillon complex soils, and are not classified as farmland of statewide importance. Additionally, the property has not been put into agricultural production in recent history. The project was sent to the Cascade Conservation District for review, any comments received will be forwarded to the Planning Board and Commissioners.

The subdivision is not expected to adversely affect native vegetation, soils, water quality, or the quantity of surface or ground waters. Disturbed areas during development will be re-seeded and the weed management plan will be followed to reduce the spread of noxious weeds.

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

This location is in an area that is experiencing progressive residential development as development spreads south of Great Falls. The Montana Natural Heritage Program identified a variety of species of concern whose habitat may extend into this area. Humans and pets are likely to have a negative impact on wildlife in the area, however landscaping could provide more habitat for wildlife. Letters requesting comment have been submitted to the Department of Fish, Wildlife, and Parks, any comments received will be forwarded to the Planning Board and Commissioners. 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. Wildfires are always a possibility in subdivisions adjacent to crop or pasture land when located within the wildland urban interface. Fire and emergency services have been addressed. Vehicle access to the subdivision will be from Flood Road.

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

The subdivision meets the requirements of the Montana Subdivision and Platting Act and the

surveying requirements specified in the Uniform Standards for Monumentation, and conforms to the design standards 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 and by ensuring that all new roads be built to county specifications, designing subdivisions so as to minimize the risk of fire, promoting adequate ingresses and egresses, adequate water supply systems, requiring local review of subdivisions meet DEQ regulations, and by complying with the weed district's weed management plans. 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 must comply with the Cascade County Zoning Regulations.

#### **SLOPE STANDARDS**

Development on slopes exceeding twenty five percent 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 in the proposed subdivision will be accommodated on the premises and entirely off street.

#### **RESIDENTIAL DEVELOPMENT STANDARD**

The minimum standards 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, roads, or watercourses. There is no development taking place on the lots remaining in the county.

#### **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**

Legal access, described as public street and utility easement, to the lots will be provided on the final plat. There are two private access roads that will be a privately maintained

by the HOA to access the subdivision. The County will not have responsibility for road maintenance until such time as the County accepts the internal roads as County roads.

#### FIRE PROTECTION STANDARD

This development lies within and receives fire protection services from the Gore Hill Volunteer Fire District. Response time will be dictated by weather and road conditions. A letter has been sent to the Gore Hill Fire Chief asking for comments on the proposed subdivision. Any comments received will be sent to the Planning Board and the County Commissioners.

#### SCHOOL SYSTEM'S CAPACITY STANDARD

Letters were sent to the Cascade County Superintendent of Schools and the Great Falls Public Schools Superintendent, and the Ulm Public Schools Principal. Great Falls Public Schools responded on January 21, 2019 that the schools in their district would have the capacity to service students from the proposed subdivision.

#### **IV. EASEMENTS FOR UTILITIES**

Any comments received by staff will be forwarded to the Planning Board and County Commissioners. All easements will be shown on the final plat.

#### **V. LEGAL AND PHYSICAL ACCESS**

1. Legal access will be provided to all lots through private street easements placed on the final plat. The existing roads in this subdivision will not be county responsibility until such time as the county accepts them.

#### **VI. OPTIONS AND RECOMMENDATIONS**

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

- A. relevant evidence relating to the public health, safety, and welfare;
- B. the Summary of Probable Impacts;
- C. the Cascade County Growth Policy; and
- D. the provisions outlined in the Cascade County Subdivision Regulations and the Montana Subdivision and Platting Act.

#### **VII. 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.