

STAFF REPORT FOR
RIVER BEND ESTATES MAJOR SUBDIVISION
MATERIAL CHANGE TO PRELIMINARY PLAT

SPECIAL INFORMATION AND FINDINGS OF FACT

1. The Cascade County Planning Board is in receipt of a material change to an approved subdivision preliminary plat from Rick and Judy Higgins, represented by Triple Tree Engineering, for River Bend Estates Major Subdivision. This proposed subdivision is located in the W ½ of Section 34, Township 20 North, Range 3 East, PM, Cascade County, Montana.
2. River Bend Estates Major Subdivision Preliminary Plat Application was reviewed by the Planning Board on Tuesday, October 30, 2018, and recommended for approval with nineteen (19) conditions to the Cascade County Commission by a vote of 6-0. The subdivision subsequently received Preliminary Plat Approval from the Commission on Tuesday, November 13, 2018 by a vote of 3-0.
3. Triple Tree Engineering approached the Cascade County Planning Division Wednesday, January 2, 2019 to informally discuss a possible material change to the approved preliminary plat prior to submission of a final plat application, and submitted a formal request to amend the preliminary plat on January 4, 2019.
4. Notice of the amendment to the approved Preliminary Plat was mailed to property owners within 300 feet of the proposed subdivision on January 7, 2019, this matches standard property owner notification requirements for subdivisions.
5. Rick and Judy Higgins are the owners of both lots that will be impacted by this amendment.

ANALYSIS

The Cascade County Subdivision Regulations' (CCSR) § 3-8, "Amending Approved Preliminary Plats before Final Plat Approval," establishes processes and procedures that specifically address this type of request. Once the proposed changes have been received, Staff analyzes various criteria that may be used to determine if proposed changes rise to the level of material changes. The CCSR offer guidance on what may constitute a material change, when Staff reviewed this proposal, road layout, easement provisions, and designated access were the considerations made to determine what level of review this would require.

Since no lots, or any other conditions of approval are being altered, and only the road is to be moved, Staff determined that this amendment does not constitute changes to the approved preliminary application significant enough to require a completely new application. However, since the road is now proposed to be partially on a lot adjacent to the property, that was not a part of the initial subdivision review, and will impact the location of the approved approach and ingress/egress for the approved subdivision, Staff did find that this proposal constitutes a

material change to the application. In this circumstance, additional public review is required pursuant to § 3-8 (E) of the CCSR.

The Planning Division solicited the Road and Bridge Division, the agency in charge of issuing approach permits, for comments regarding this proposed change, and the Road and Bridge Division recommended this change to the applicant because it would improve sight distance. A pre-existing 80-foot road and utility easement, shown in Certificate of Survey 5179, is in place along the property boundaries currently, and will be used for this new road and approach. This existing easement will be more conducive to future development and allow more fluid road layouts for this and surrounding development. It is more logical to utilize an existing easement than leave open the possibility of creating two roads in parallel, and create a possible hazard by installing multiple approaches in close proximity. For these reasons, Planning Staff is in favor of these proposed changes.

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, **deny**, the material change impacting roadway and approach location to the River Bend Estates Preliminary Plat Approval;”

Or

“I move to recommend to the Cascade County Commission after consideration of the Staff Report, **approve**, the material change impacting roadway and approach location to the River Bend Estates Preliminary Plat Approval.”

Attachments: New copy of Preliminary Plat
Developer Request
Certificate of Survey 5179
Letter from Road and Bridge Division