

CASCADE COUNTY PLANNING BOARD

PLANNING STAFF: Report and Recommendations
REGARDING: Planning Board Public Meeting Scheduled for April 16, 2019
SUBJECT: Taylor Minor Subdivision
PRESENTED BY: Michael Stone, Planner

GENERAL INFORMATION

Applicants/Owners of Record: Michelle Taylor
Property Location: This proposed subdivision is in the E $\frac{1}{2}$ E $\frac{1}{2}$ NW $\frac{1}{4}$ and the W $\frac{1}{2}$ W $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 12, and the SE $\frac{1}{4}$ SW $\frac{1}{4}$ and the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 1 in Township 19 North, Range 3 East, P.M.M. Cascade County, MT. See attached vicinity map & survey document.
Existing Zoning: Suburban Residential - 2 (SR-2)
Requested Action: Subdivision Review
Purpose: To create three (3) residential lots
Existing Land Use: Vacant pasture land
Surrounding Land Uses: Vacant land and residential

SPECIAL INFORMATION

1. The Planning Board is in receipt of an application from Michelle Taylor to approve a first-time minor preliminary plat. The proposed subdivision is in the E $\frac{1}{2}$ E $\frac{1}{2}$ NW $\frac{1}{4}$ and the W $\frac{1}{2}$ W $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 12, and the SE $\frac{1}{4}$ SW $\frac{1}{4}$ and the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 1 in Township 19 North, Range 3 East, P.M.M. Cascade County, MT.
2. Attached is a copy of the preliminary plat, which will subdivide the 15.348 acre parcel into two (2) tracts of 5 acres and one (1) tract of 5.348 acres.
3. Physical and legal access to each lot in the proposed subdivision will be by the proposed Dune Ridge Court cul-de-sac via Dune Ridge Lane. Twenty (20) foot utility easements are provided for each lot. Both are described in the preliminary plat.

4. No water right permitting is needed for this subdivision layout ahead of putting water to a beneficial use. The anticipated water use for each lot is expected to be limited to 2 acre feet per year.
5. According to the traffic impact analysis, it is estimated that the Taylor Addition Minor Subdivision will develop approximately thirty (30) additional daily trips to the existing streets and arterials.
6. The applicant has obtained a letter from the State Historic Preservation Office locating nearby cultural resource sites and declining a recommendation of a cultural resource inventory on the proposed site of subdivision.
7. The applicant is requesting the revocation of an agricultural covenant running with the land as described on the Sunset Dunes Plat.
8. According to the US Department of Agriculture Custom Soil Resource Report the parcel contains a small portion of prime farmland of statewide importance. The area is approximately 6% of the entire parcel and is located along the west side of the parcel near a pre-existing residence.
9. The parkland requirement is waived pursuant to M.C.A. 76-3-621(3)(e) (2017).
10. The proposed subdivision will receive law enforcement services from the Cascade County Sheriff's Department and fire protection services from the Gore Hill Fire Department.
11. A public hearing on a minor plat is not required for first time minor subdivisions pursuant to M.C.A. 76-3-609 (2) (e) (2017).
12. An environmental assessment is not required pursuant to M.C.A. 76-3-609 (2)(d)(i) (2017).
13. There are no delinquent taxes on this property.

CONCLUSION

This proposed subdivision meets the requirements of the Cascade County Subdivision Regulations, as well as Montana's Subdivision and Surveying Laws and Regulations, and is in general compliance with the Cascade County Growth Policy.

RECOMMENDATIONS

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

1. recommend to the County Commission that the Plat of Taylor Addition Minor Subdivision be denied; or

2. recommend to the County Commission that the Plat of Taylor Addition Minor Subdivision 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. Design, construction, inspection, and certification, by a licensed professional engineer, of all roads used for physical and legal access as well as the proposed cul-de-sac 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 is to be completed prior to the approval of the final plat.
 4. 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 (MCA 76-3-612) (2017);
 5. 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;
 6. causing to be recorded on the plat a statement concerning limited public services;
 7. causing to be recorded an Agricultural Notification Statement.
 8. obtain approval for the proposed water and sewage disposal systems from state and/or local health departments;
 9. Dune Ridge Lane improvements shall be installed prior to final plat approval, or their installation after final plat approval will be guaranteed as provided by Section 3-8 of the Cascade County Subdivision Regulations.
 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 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;

Attachments: Findings of Fact

**FINDINGS OF FACT FOR THE TAYLOR MINOR SUBDIVISION LOCATED OFF
DUNE RIDGE LANE, PARCEL NUMBER 0002001002, GEOCODE 02-2892-12-2-02-29-
0000, SITUATED IN SECTION 12, TOWNSHIP 19 NORTH, RANGE 03 EAST, P.M.M.,
CASCADE COUNTY, MONTANA**

- I. The application requesting preliminary plat approval for the Taylor Minor Subdivision was received on June 5, 2018 and was determined to contain all required components sufficient for adequate review on April 4, 2019 and scheduled for a public meeting for the Cascade County Planning Board on Tuesday April 16, 2019 pursuant to statutory requirements.

Michelle Taylor (land owner) and Mark Leo (applicant) request preliminary plat approval for the Taylor Minor Subdivision (minor) consisting of three lots. The three proposed residentially zoned lots will be two five acre tracts (Lot 1 and Lot 2), and a 5.348 acre tract (Lot 3). The total acreage of the project site is 15.348 acres.

PRIMARY REVIEW CRITERIA

Effect on Agriculture

The proposed subdivision presently consists of one undeveloped parcel of land consisting of 15.348 acres. It is currently zoned Suburban Residential - 2 (SR-2) and is located off Dune Ridge Lane. The property was created as a “remainder” tract in the Sunset Dunes Plat under an agricultural covenant exemption. Currently, the lot is surrounded by Suburban Residential - 2 (SR-2) parcels engaged in residential use to the north, south, and west. The parcel to the east is vacant pasture land. Subdivision of the subject property is not expected to negatively impact agriculture in the county. The subject property is in a location predominantly used for residential purposes and has historically developed toward that usage.

According to the US Department of Agriculture Custom Soil Resource Report the subject property contains a small portion of prime farmland of statewide importance. The area is approximately 6% of the entire parcel and is located along the west side of the parcel near a pre-existing residence.

Effect on Local Services

The proposed subdivision receives law enforcement services from the Cascade County Sheriff’s Department and fire protection from the Gore Hill Fire Department. An interested agency notice was sent to both departments, but no comments have been received as of the writing of this report.

The proposed subdivision lots will be accessed by the proposed Dune Ridge Court cul-de-sac via Dune Ridge Lane serviced from Fox Farm Road collector. The anticipated impact to these

roadways will be the nominal 10 vehicular trips per day, per lot. This aggregates to a total of 30 trips a day for these roadways. An interested agency notice was sent to the Cascade County Road & Bridge Division. No comments have been received as of the writing of this report.

Effects on the Historic or Natural Environment

There are no known historic, paleontological, archaeological or cultural sites or objects on the subject property. The proposed subdivision is not expected to have any effect on historical or cultural artifacts. A letter from the Montana Historical Society is included in the application materials addressing the matter.

The applicant will obtain storm-water and sanitation approvals from the City County Health Department and/or the Department of Environmental Quality. No negative effects to surface and ground water, soils, slopes, and vegetation are anticipated.

Visual features within the proposed subdivision and adjacent lands are anticipated to be unaffected. The proposed development and land use is in conformance with the predominant residential use in the area.

Effect on Wildlife and Wildlife Habitat

This subdivision is not expected to have an adverse impact to wildlife or wildlife habitat. A letter requesting comments has been submitted to the Department of Fish, Wildlife, and Parks. No comments have been received as of the writing of 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

No significant health and safety issues have been identified on the subject property and none are anticipated from the proposed subdivision. The subject property is located within the wildland-urban interface (WUI) with low risk hazard. No other hazards have been identified on the property or adjacent to it.

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 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, road, or watercourses.

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.

The proposed Dune Ridge Court cul-de-sac will be maintained by the HOA.

FIRE PROTECTION STANDARD

The proposed subdivision receives law enforcement services from the Cascade County Sheriff's Department and fire protection services from the Gore Hill Fire Department.

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. Great Falls Public Schools would accommodate the proposed subdivision and the estimated 3 students can be accommodated according to a letter from GFPS.

IV. EASEMENT FOR UTILITIES

The preliminary plat proposes a 10 foot utility easement along the interior property boundary, extending in both directions, for all three lots.

V. LEGAL AND PHYSICAL ACCESS

Access to the proposed subdivision will be by the proposed Dune Ridge Court cul-de-sac via Dune Ridge Lane. Each lot will have access off Dune Ridge Court.

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 Cascade County Growth Policy; and
- C. the provisions outlined in the Cascade County Subdivision Regulations and the Montana Subdivision and Platting Act.

VII. DECISION ALTERNATIVES

- Approve the proposed subdivision.
- Approve the proposed subdivision with conditions.
- Table the proposed subdivision for further study.
- Deny the proposed subdivision.