

May 9, 2023

Agenda #1

**Agenda Action Report
Prepared for the
Cascade County Commission**

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| ITEM | Public Meeting Final Plat Approval of Foothills Ranch No. 4 Major Subdivision |
| INITIATED BY | Ranch Development LLC |
| ACTION REQUESTED | Final Plat Approval of Foothills Ranch No. 4 Major Subdivision |
| PRESENTED BY | Kevin Angland, Planner |

BACKGROUND: Ranch Development LLC is requesting final plat approval for the Foothills Ranch No. 4 Major Subdivision consisting of fifty-eight (58) residential lots. The property lies within the Suburban Residential Two (SR2) zoning district and the total acreage of the proposed site is 140.973 acres. Access to the proposed subdivision lot will be via Barnwood Lane, a private easement, and Copper Creek Lane, a private easement. The lots have been reviewed by the Department of Environmental Quality (DEQ). This application received preliminary plat approval by the County Commission on August 10, 2021. The preliminary plat approval had thirty-one (31) conditions that needed to be met prior to final plat approval as listed below. The final plat application was deemed sufficient on April 26, 2023.

Staff has deemed the submitted materials complete for the approval and filing of the Final Plat.

1. A provision in the Homeowners' Association's (HOA) Covenants, Conditions, and Restrictions (CCRs) must provide that a 100-foot open space buffer must be established between any structures and adjacent prime agricultural lands.
2. Include a "Notice of Agricultural Activities" on the final plat stating in effect: "This subdivision is in the vicinity of existing agricultural activities which may affect a purchaser's use and/or enjoyment of his/her property."
3. Reserve all or a portion of the appropriation water rights owned by the owner of the land to be subdivided and transfer these water rights to a single entity for use by landowners within the subdivision who have a legal right to the water and reserved and severed any remaining surface water rights from the land prior to final plat.
4. Cause to be recorded in conjunction with the final plat, a statement of waiver placed on the final plat requiring property owners of each lot in the subdivision to take part in any Rural Special Improvement District (RSID) for the reconstruction, improvement or perpetual maintenance of any county road in the vicinity used to access the major subdivision, 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.

5. Provide safe and adequate access including all internal private roads and cul-de-sacs, street signs, and stop signs, must be designed, constructed, installed, inspected, and certified by a licensed professional engineer that they meet at a minimum the Cascade County Subdivision Road Specification.
6. Include on the final plat a statement certifying the status of the internal subdivision roads.
7. Cause to be recorded in conjunction with the final plat, HOA CCRs with provisions granting 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 final plat.
8. A provision shall be included in the HOA CCRs requiring control of County declared noxious weeds.
9. A statement shall be included on the final plat stating: "Lot owner(s) shall comply with the required Noxious Weed Management Plan, approved by the County Weed Supervisor."
10. Submit a written Weed Management Plan to the Cascade County Weed Board specifying the methods for weed management procedures with regards to this development and incorporate it into the HOA CCRs.
11. All vegetation disturbed during construction shall be reestablished with vegetation types that have been recommended by the MSU Extension Office.
12. A copy of the MDEQ General Discharge Permit for Stormwater associated with construction activity in order to subdivide shall be submitted prior to final plat approval, if the disturbed area will exceed one (1) acre.
13. Inclusion in the HOA covenants a restriction on structure height of no greater than one hundred and fifty (150) feet in height.
14. A Fire Protection Plan must be established by the developer and written notice provided from the local fire chief, or designee, of inspection and approval of the Plan prior to final plat approval.
15. Include in the HOA CCRs a provision for the maintenance of the Fire Protection Plan.
16. Install a fire suppression cistern system with a minimum of 39,000 gallons on-site with the proper appurtenances for the Sand Coulee Volunteer Fire Department to use for firefighting at all times.
17. Install an approach for access to the fire cistern and appurtenances.
18. Include in the HOA CCRs a provision for maintaining the fire cistern road approach.
19. Include in the HOA CCRs that the HOA shall be responsible for the perpetual maintenance of the fire suppression system, equipment, and appurtenances, including on-going water level monitoring, water refilling, repairs, and electronic monitoring systems.