

**FINDINGS OF FACT FOR THE PRELIMINARY PLAT OF THE ERPELDING MINOR SUBDIVISION LOCATED IN THE SW ¼ OF SECTION 33, IN TOWNSHIP 20 NORTH, RANGE 3 EAST, PMM, CASCADE COUNTY, MONTANA**

The Application requesting preliminary plat approval for Glenwood 1 Minor Subdivision, first-time minor subdivision, received on February 28, 2022. The submittal was determined to contain all required components sufficient for adequate public review on May 3, 2022, and scheduled for public meeting for the Cascade County Planning Board on May 17, 2022. Notice of the public hearing was sent to adjacent property owners on May 2, 2022, and published in the Great Falls Tribune on May 8, 2022. The proposed subdivision consists of one (1) lot: Lot 1 consists of 40.342, and is to remove an agricultural covenant from the property.

**I. PRIMARY REVIEW CRITERIA**

<b>A. Impacts on Agriculture</b> – Considers all aspects of farming or ranching including the cultivation or tilling of soil; dairying; the production, cultivation, growing, harvesting of agricultural or horticultural commodities; raising of livestock, bees, fur-bearing animals or poultry; and any practices including, forestry or lumbering operations, including preparation for market or delivery to storage, to market, or to carriers for transportation to market. See also MCA § 41-2-103(1).				
Recommended Findings			Recommended Conditions	What Document(s) in Record Support Findings and Conditions
A	Prime agricultural lands designated as “Farmland of Statewide Importance” have been identified based on the Web Soil Survey <sup>1</sup> on all 40 acres of Lot 1.	CCSR § 10-2(A)(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.	Application Appendix G – NRCS Soil Report
			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.”	Application Appendix B “Preliminary Plat” – <b>Condition Satisfied</b>
<b>CONCLUSION:</b> The impacts to agriculture set forth in the findings are mitigated with the imposed conditions based on the record.				

<sup>1</sup> [Web Soil Survey \(usda.gov\)](http://www.usda.gov)

<b>B. Impacts on Agriculture Water User Facilities –</b> Considers those facilities which provide water for irrigation or stock watering to agricultural lands for the production of agricultural products. These facilities include, but are not limited to, ditches, head gates, pipes, and other water conveying facilities. Specific impacts may include, but are not limited to, impacts to disposition of water rights, and impact to water course and irrigation easements.				
Recommended Findings			Recommended Conditions	What Documents(s) in Record Support Findings and Conditions
A	The area of the proposed subdivision does <u>not</u> contain existing irrigation ditches, pipes, head gates or other water conveying facilities for irrigation or stock watering to agricultural lands.	CCSR §§ 10-2(B); 10-10		Application Section 20.D.ii “Summary of Probable Impacts”
B	The proposed subdivision will not be creating lots averaging less than five acres in size requiring the appropriate disposition of water rights.	CCSR §§ 10-2(B); 10-11	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.	Application Section 20.D.ii “Summary of Probable Impacts”  Application Section 14 “Water Rights”
C	The proposed subdivision is <u>not</u> subject to a contract or interest in a public or private entity formed to provide for the use of a water right on the subdivision lots, e.g., water district.	CCSR §§ 10-2(B); 10-11(A)(2)		Application Section 20.D.ii “Summary of Probable Impacts”
<b>CONCLUSION:</b> The impacts on wildlife and wildlife habitat set forth in the findings do not warrant mitigating adverse impacts as no impacts have been identified based on the record.				

<b>C. Impacts on Local Services –</b> Considers any and all services that local governments, public or private utilities are authorized to provide for the benefit of their citizens.					
Recommended Findings			Recommended Conditions		What Documents(s) in Record Support Findings and Conditions
A	No internal streets or alleys are proposed. Access to Lot 1 will be from Barnwood Lane, which is an easement.	CCSR § 10-2(C)(1)			Application Section 21 “Traffic Impact Analysis”  Application Section 20.C.ii “Community Impact Report”
B	No transportation plan has been officially adopted for this area.	CCSR § 10-2(C)(2)			Application Section 21 “Traffic Impact Analysis”  Application Section 20.C.ii “Community Impact Report”
C	New increased development increases the need for transportation infrastructure to serve the proposed development and adversely impacts existing transportation infrastructure supporting a mitigating condition that all development waive their right to protest the creation of a special improvement district or road improvement district.	CCSR § 10-2(C)(3)	1	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.	Application Appendix B “Preliminary Plat”
D	The area of most significant impact is anticipated to be on Stockett Road, a state-maintained road. The proposed development is projected to increase traffic by 8 vehicular trips per day which will	CCSR § 10-2(C)(4)		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	Application Section 21 “Traffic Impact Analysis”  Application Section 20.C.ii “Community Impact Report”

	not exceed the capacity of the road. Access is existing for Lot 1. In order to reduce harmful impacts to transportation, maintaining a proper access road and following the speed limit will be critical.		<p>engineer that they meet at a minimum the Cascade County Subdivision Road Specification.</p> <p>Include on the final plat a statement certifying the status of the internal subdivision roads.</p> <p>Provide a copy of the approved Approach Permits for ____ from the Cascade County Public Works – Road &amp; Bridge Division.</p>	
E	No internal subdivision roads are proposed.	CCSR § 10-4 MCA 76-3-501	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.	<p>Application Appendix B “Preliminary Plat”</p> <p>Application Section 21 “Traffic Impact Analysis”</p> <p>Application Section 20.C.ii “Community Impact Report”</p>
F	The proposed subdivision consists of 1 residential lot that have the potential to add youth to local schools which is expected to have a positive impact on the Great Falls School District. There is currently a bus route located in Foothills Ranch Subdivision, that would provide adequate busing for the proposed subdivision	CCSR § 10-2(C)	Provide a copy of the letter from the Great Falls Public School District demonstrating no adverse impact on educational services.	Application Section 20.C.i “Community Impact Report” and letter to Great Falls Public Schools from Applicant
CONCLUSION: The impacts to local services set forth in the findings are mitigated with the imposed conditions based on the record.				

<b>D. Impacts on the Natural Environment</b> - Existing physical conditions related to land, air, water, mineral, flora, fauna, sound, light, and objects of historic and aesthetic significance of an area and the interrelationship of those elements, such as soils, geology, topography, vegetation, surface water, and drainage, floodplains, and ground water, and aquifers. Specific impacts include but are not limited to: impact on air quality; impact of groundwater quality and quantity; impact on surface water features; impact on wetlands; impact on residential ambient exterior light level; impact on historic or prehistoric sites.					
Recommended Findings			Recommended Conditions		What Documents(s) in Record Support Findings and Conditions
A	Soil disturbances during the construction of this proposed subdivision will increase the potential for the spread of noxious weeds on the property and the surrounding area.	MCA § 7-22-2116 states "it is unlawful for any person to permit any noxious weeds to propagate on their property."  MCA § 7-22-2152		A provision shall be included in the HOA CCRs requiring control of County declared noxious weeds.	Application Appendix H "Weed Management Plan"
			2	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."	
			3	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 or file with the Clerk & Recorder's Office along with the Final Plat.	
			4	All vegetation disturbed during construction shall be reestablished with vegetation types that have been recommended by the MSU Extension Office.	
B	Soil disturbances during the construction of this proposed subdivision will increase stormwater runoff.	CCSR § 10-2(D)	5	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.	Application Appendix D "Storm Drainage"

C	Lot 1 will have 1 proposed single-family residence, driveway, and parking pad that will increase impervious area by 2% due to the large lot size making the stormwater runoff increase very minimal.	CCSR § 10-2(D)		The Montana Department of Environmental Quality (MDEQ) Certificate of Subdivision Approval (COSA) must be provided prior to final plat approval.	Application Appendix D "Storm Drainage"
D	Groundwater quality and quantity are <u>not</u> anticipated to be depleted or contaminated as a result of the proposed subdivision.	CCSR § 10-2(D)			Application Section 20.D.ii "Summary of Probable Impacts"
E	The proposed subdivision is not located near a water body and not located in a Regulated Flood Hazard Area (RFHA) requiring mitigation for potential contamination or preservation of water body areas.	CCSR § 10-2(D)(1)		All structures and roads shall have a fifty (50) foot setback standard and vegetated buffer standard, in which existing native species may not be removed.	Application Section 25 "Flood Hazard Evaluation"
F	The proposed subdivision is <u>not</u> near a wetland identified by Cascade County, the Army Corps of Engineers, US. Fish and Wildlife Service, DNRC, or FWP.	CCSR § 10-2(D)(2)		Buffers from wetland boundaries within which structures and improvements may not be built, except for those for educational or scientific purposes, include: (a) Wetlands of one (1) acre or less require a minimum fifty (50) foot buffer; (b) wetlands of more than one acre requires a minimum one hundred (100) foot buffer; (c) provide documentation of a waiver or permit form the USACE to fill, excavate or an exemption from the requirement	Application Section 20.D.v. "Summary of Probable Impacts"  No wetland has been delineated on the proposed subdivision maps, plats, or site plans submitted as part of the subdivision application.
G	The proposed subdivision has detailed no evidence of any known cultural or historic resources within Lot 1.	CCSR § 10-2(D)			Application Section 20.D.iv. "Cultural Resources"
CONCLUSION: The impacts to the natural environment set forth in the findings are mitigated with the imposed conditions based on the record.					

<b>E. Impacts on Wildlife and Wildlife Habitat -</b>					
Recommended Findings			Recommended Conditions	What Document(s) in Record Support Findings and Conditions	
A	<u>No</u> critical wildlife habitats and corridors have been identified that would be adversely impacted and need protection from this proposed development.	CCSR § 10-2(E)(1)		A two hundred (200) foot open space buffer shall be established between any structures and any critical wildlife habitat and corridors.	Application Section 20.D.v. "Summary of Probable Impacts"
B	<u>No</u> open spaces have been identified in the area to preserve wildlife habitats and/or corridors of the proposed subdivision.	CCSR § 10-2(E)(2)		A deed restriction or irrevocable covenant shall be created to protect open space in perpetuity.	Application Section 20.D.v. "Summary of Probable Impacts"
C	<u>No</u> protected lands have been identified in the area of the proposed subdivision.	CCSR § 10-2(E)(3)		Protected lands shall be clustered to abut neighboring open lands.	Application Section 20.D.v. "Summary of Probable Impacts"
<b>CONCLUSION:</b> The impacts on wildlife and wildlife habitat set forth in the findings do not warrant mitigating adverse impacts as no impacts have been identified based on the record.					

<b>F. Impacts on Public Health and Safety -</b> “Public Health and Safety” means “[t]he prevailing healthful, sanitary conditions of well-being for the community at large. Conditions that relate to public health and safety include but are not limited to: disease control and prevention; emergency services; environmental health; flooding; fire or wildfire hazards, rock falls or landslides, unstable soils, steep slopes, and other natural hazards; high voltage lines or high-pressure gas lines; and air or vehicular traffic safety hazards.”					
Recommended Findings			Recommended Conditions		What Documents(s) in Record Support Findings and Conditions
A	The proposed subdivision is not located within the Regulated Flood Hazard Area (RFHA).	CCSR § 10-2(F)(1)		No structure shall be located within the 100-year floodplain.	Application Section 24 “FEMA Panel Map”
B	The proposed subdivision is <u>not</u> located in an accident potential zone around the Great Falls International Airport.	CCSR § 10-2(F)(1)		No structure shall be located in any accident potential zones located around airports.	CCZR §§ 4 and 15, “Exhibit B-2: Imaginary Surfaces”
C	The proposed subdivision is located in the Conical Surface (MOD-D) of the Height Military Overlay District. The MOD was established and incorporated into the Cascade County Zoning Regulations to reduce potential interference with the helicopter runway at Malmstrom AFB.	CCSR § 10-2(F)(1) CCZR § 16	6	Inclusion in the HOA or on the Final Plat a covenant restricting structure height of no greater than one hundred and fifty (150) feet in height.	CCZR § 16 “Height Military Overlay District Map”
D	The proposed subdivision is not located in the Wildland Urban Interface and is in an area of low wildland fire risk. It is exempt from CCSR § 10-15(B) & (E).	CCSR § 10-2(F)(2)		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.	Application Section 34 “Additional Relevant Information”
E	The proposed subdivision is not located in the Wildland Urban Interface but has a low risk of wildland fire and is serviced by the Sand Coulee Fire Department. The 1-residential lot proposal will minimally increase the fire risk due to vegetation and added structures to the area.	CCSR §§ 10-2(F); 10-15(C); 10-15(D); 10-15(E)(5); 10-15(F)		Install a fire suppression cistern system with a minimum of _____gallons on-site with the proper appurtenances for the _____ Fire Department to use for firefighting at all times. Install an approach for access to the fire cistern and appurtenances.  Include in the HOA CCRs a provision for maintaining the fire cistern road approach.	Community Fire Plan Wildlife-Urban Interface Cascade County and Dearborn FSA Map



				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.	
F	The property does not contain 25% slopes or involve building any structure at the apex of a "fire chimney."	CCSR § 10-2(F)(2)		Structures shall not be permitted in high fire hazard areas, or on 25% slopes or at the apex of "fire chimneys."	Application Appendix C "Topographic Map"
G	Lot 1 will utilize a water well for domestic water supply to ensure the public's general health and welfare.	CCSR § 10-6		The Montana Department of Environmental Quality (MDEQ) Certificate of Subdivision Approval (COSA) must be provided prior to final plat approval.	Application Appendix B "Preliminary Plat"  Application Appendix 1 "Lot Layout"  Application Section 14 "Water Right"  Application Section 20.C.iii "Community Impact Report"
H	Lot 1 will utilize a septic system to properly dispose and treat wastewater generated by the residential lot to prevent the spread of disease and water contamination to mitigate public health risks.	CCSR § 10-7; ARM 17.36.312; ARM 17.36.320 – 17.36.326; ARM 17.36.101; MCA §§ 76-4-101, <i>et seq.</i>		See Condition #(MDEQ COSA)	Application Appendix B "Preliminary Plat"  Application Appendix 1 "Lot Layout"  Application Appendix I "Existing Septic Permits"  Application Section 20.C.iii "Community Impact Report"
I	The proposed subdivision will generate solid waste and would create a public health and/or safety risk if not properly disposed of.	CCSR § 10-8; ARM 17.36.309; ARM 17.36.101; MCA §§ 76-4-		See Condition #(MDEQ COSA)	Application Section 20.C.iii "Community Impact Report"

	Landowners will be required to dispose of their own solid waste.	101, <i>et seq.</i>			
J	The proposed subdivision will not significantly increase the area of impervious surface which will impact the natural process for absorption, drainage and filtration of stormwater runoff.	CCSR § 10-5		See Condition #(MDEQ COSA)	Application Appendix D "Storm Drainage"
K	The proposed subdivision will require utility services to each of the new residential lots to ensure basic services are provided for citizens public welfare, health, and safety.	CCSR § 10-9		<p>The utility easements must be shown on the plat with dashed lines.</p> <p>The final plat must contain the following statement: "The undersigned hereby grants unto each and every person, firm, or corporation, whether public or private, providing or offering to provide telephone, electric power, gas, cable television, wired broadband, water or sewer service to the public, the right to the joint use of an easement for the construction, maintenance, repair and removal of their lines and other facilities, in, over, under and across each area designated on this plat as 'Utility Easement' to have and to hold forever."</p> <p>Cause to be recorded on the final plat a statement concerning limited public services.</p>	Application Appendix C "Preliminary Plat" – <b>Conditions Satisfied</b>
L	The proposed first-time minor subdivision <u>does not</u> create a need for open space/park areas for residents to utilize for their general welfare, preserve areas providing wildlife habitat, & act as buffers between lots, structures, and/or roads to make the subdivision more aesthetically appealing. It is exempted by MCA 76-3-621(3)(e).	CCSR § 10-12 MCA § 76-3-501(5)		The final plat shall dedicate a minimum of ____ acres to park land unless a certificate of waiver of park land dedication and acceptance of cash in lieu statement is placed on the final plat.	Application Appendix B "Preliminary Plat"
<p><b>CONCLUSION:</b> The impacts to public health and safety set forth in the findings are mitigated with the imposed conditions based on the record.</p>					

**II. COMPLIANCE WITH THE SURVEY REQUIREMENTS OF MONTANA SUBDIVISION AND PLATTING ACT, UNIFORM STANDARDS FOR MONUMENTATION, AND LOCAL SUBDIVISION REGULATION**

<b>A. Survey Requirements</b>					
Recommended Findings			Recommended Conditions		What Documents(s) in Record Support Findings and Conditions
A	The plat should not contain errors or omissions when filed with the Clerk & Recorders in order to provide a true and accurate representation and notice to the general public including, but not limited to, potential purchasers.	MCA §§ 76-3-608(3)(b)(i); 76-3-401, <i>et seq.</i> ; 76-3-611	7	Correct any errors or omissions on the preliminary plat prior to final plat approval.	Application Appendix B "Preliminary Plat"
<b>B. Abstract of Title</b>					
Recommended Findings			Recommended Conditions		What Documents(s) in Record Support Findings and Conditions
A	Clear title shall be demonstrated prior to the division of land taking place to ensure proper legal division. Applicant has provided a "Subdivision Guarantee" issued by First American Title	MCA § 76-3-612		Submit with the final plat submittal a certificate of a title abstracter showing the names of the owners of record of the land to be subdivided and the names of lienholders or claimants of record against the land and the written consent to the subdivision by the owners of the land, if other than the subdivider, and any lienholders or claimants of record against the land.	Application Appendix E "Abstract of Title"— <b>Condition Satisfied</b>
<b>C. Construction of Public Improvements</b>					
Recommended Findings			Recommended Conditions		What Documents(s) in Record Support Findings and Conditions
A	No public improvements are proposed for this subdivision.	MCA § 76-3-507		Complete required improvements within the proposed subdivision prior to approval of the final plat, unless a bond or other reasonable security approved by the County Commissioners is obtained prior to final plat.	Application Appendix B "Preliminary Plat"

<b>D. Orderly Development</b>				
Recommended Findings		Recommended Conditions		What Documents(s) in Record Support Findings and Conditions
A	The subdivision is in the Suburban Residential – 2 zoning District designated for residential type uses and requires minimum lot size of two (2) acre and yard setback requirements to preserve the quiet enjoyment of residential properties. New buildings, structures, signs, foundations, and changes in use will require a zoning permit to ensure zoning requirements are satisfied.	MCA § 76-3-501; CCZR §§ 5-9(B)(3), 7.1, 7.3	Include in the HOA CCRs a provision that, at a minimum, require the yard setback requirements of the Cascade County Zoning Regulations.	Application Appendix B “Preliminary Plat”
B	The subdivision is subject to a minimum acreage size of two (2) acres. Zoning within the SR-2 District only allows for “limited agricultural uses” to prevent overgrazing and public nuisances. New buildings, structures, signs, foundations, and changes in use will require a zoning permit to ensure zoning requirements are satisfied.	MCA § 76-3-501; CCZR §§ 5-9(B)(3), 7.3.2	Include in the HOA CCRs a provision limiting livestock in accordance with the Cascade County Zoning Regulations.	Application Appendix B “Preliminary Plat”
C	The subdivision is subject to a minimum lot size of two (2) acre lots. Zoning within the SR-2 District provides for low-density suburban residential development with limited agricultural uses and residential services. New buildings, structures, signs, foundations, and changes in use will require a zoning permit to ensure zoning requirements are satisfied.	MCA § 76-3-501; CCZR §§ 5-9(B)(3), 7.3	Include in the HOA CCRs a provision prohibiting commercial and industrial uses.	Application Appendix B “Preliminary Plat”

<b>E. Declaration of Covenant</b>					
Recommended Findings			Recommended Conditions		What Documents(s) in Record Support Findings and Conditions
A	The proposed subdivision after final approval needs to ensure the proper mechanism is in place to bind future property owners to carry out the conditions for which this proposed subdivision was approved with to ensure the continuance of public health, welfare and safety for the subdivision's residents.	MCA § 76-3-501(2), 76-3-604; see CCSR § 10-15(D)		Cause to be filed with the final plat, a Declaration of Covenant declaring 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 and the covenant may be revoked for any or all parcels within the subdivision only by mutual consent of the owners of the parcels in question and the governing body of Cascade County.	Application Appendix B "Preliminary Plat"
<p><b>CONCLUSION:</b> By meeting the conditions of approval, the proposed subdivision meets the requirements of the Montana Subdivision and Platting Act, the surveying requirements specified in the Uniform Standards for Monumentation, and conforms to the design standards specified in the Cascade County Subdivision Regulations. The subdivider and Cascade County have complied with the subdivision review and approval procedures set forth under the applicable laws and regulations.</p>					

**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 ingress and egress, adequate water supply systems, requiring local review of subdivisions meet DEQ regulations when required, 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.

**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**

Legal access will be provided to the residential lot by Barnwood Lane and all easements shall be placed on the Final Plat.

## **VII. 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.