

CASCADE COUNTY PLANNING BOARD

PLANNING STAFF: Report and Recommendations

REGARDING: Planning Board Meeting Scheduled for May 17, 2022

SUBJECT: The Preliminary Subdivision Plat of Erpelding Minor, located in the SE ¼ of Section 33, Township 20 North, Range 3 East, P.M.M. Cascade County, Montana.

GENERAL INFORMATION

Applicants/Owners of Record: Ronald & Cindy Erpelding

Property Location: This proposed subdivision is located in the SW ¼ of Section 33, Township 20 North, Range 3 East, P.M.M., Cascade County, Montana and is identified as Parcel #2505500 and Geocode 02-3015-33-4-01-01-0000.

Existing Zoning: Suburban Residential 1 (SR-1) District

Purpose: To create three (3) lots: two (2) residential lots and one (1) floodplain lot

Existing Land Use: Residential

Surrounding Land Uses: Residential

Requested Action: Recommend conditional approval of the Erpelding Minor Subdivision Preliminary Plat & rezone of the floodplain lot to the Open Space District

SPECIAL INFORMATION

1. Access to the proposed subdivision will be via Flood Road, a county-maintained road with stripped asphalt.
2. Attached is a copy of the minor preliminary plat application and supplemental materials, which will subdivide the 36.23-acre parcel into three (3) lots. Lot 1 will consist of 5 acres, Lot 2 will consist of 30.198 acres, and Lot 3 (floodplain) will consist of 1.038 acres.
3. The approach for Lot 2 is existing. The approach for Lot 1 will be from Flood Road. The Applicant has applied for the Approach Permit for Lot 1. The Applicant will need to obtain an Approach Permit from the Cascade County Public Works – Road & Bridge Division.
4. The Applicant’s Traffic Impact Analysis estimates the addition of 9.57 vehicular trip per day exiting and entering from Flood Road based on the addition of one (1) single-family lot.

5. Lot 1 remains undeveloped, and a sanitary restriction is proposed to be placed on the Lot. A future subsequent minor subdivision has been discussed for Lot 1 at which time the sanitary restriction will be lifted to allow residential development.
6. Lot 2 of the proposed subdivision has existing development including a single-family home under construction and an existing guest home built in 2020.
7. Lot 3 is completely within the Regulated Flood Hazard Area of the FEMA designated floodplain based on FEMA FIRM Panel #30013C0615E, effective March 19, 2013. This area is required to be rezoned to Open Space to prevent development in the floodplain and to preserve the floodplain's natural and beneficial functions.
8. According to the US Department of Agriculture Web Soil Survey the land is not considered prime farmland of statewide importance.
9. The parkland requirement is waived pursuant to M.C.A. 76-3-621(3)(e) (2021).
10. 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)(2021).
11. An environmental assessment is not required pursuant to M.C.A. 76-3-609 (2)(d)(i) (2021).
12. The proposed subdivision will receive law enforcement services from the Cascade County Sheriff's Office and fire protection services from the Gore Hill Fire Department.
13. The project is located within the Wild Land Urban Interface and has been an area designated at having a low fire risk based on the *Community Fire Plan Wild Land-Urban Interface for Cascade County and Dearborn FSA Map*.
14. Project is exempt from onsite fire cistern requirements per 10-15(B) and (E) of the Cascade County Subdivision Regulations, as fire protection measures are only needed when creating four (4) or more lots, or is a subsequent minor subdivision of three (3) or more lots.
15. Notice of this public meeting was published in the Great Falls Tribune on May 8, 2022.
16. Interested Agencies and adjacent property owners were provided with notification letters and a request for comments on May 2, 2022. No comments have been received at the time of writing this report.
17. The project lies within the Height Military Overlay District within the Outer Horizontal Surface (MOD-F) restricting structure height to no greater than five hundred (500) feet. The project is not within 2400 feet of a Military Alert Facility or Launch Facility.

18. There are no delinquent taxes on this property.

19. No public comment was received regarding this subdivision at the time of writing this report.

CONCLUSION

This proposed subdivision and associated rezone for the proposed floodplain lot 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 if approved with conditions.

RECOMMENDATIONS

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

I move that the Cascade County Planning Board recommend, after consideration of the Staff Report and Findings of Facts, **denial** of the Erpelding Minor Subdivision Preliminary Plat and rezone of Lot 3 from the Suburban Residential 1 District to Open Space District; or

"I move that the Cascade County Planning Board recommend, after consideration of the Staff Report and Findings of Facts, adoption of said Staff Report and Findings of Facts, and **approve** Erpelding Minor Subdivision Preliminary Plat and rezone of Lot 3 from the Suburban Residential 1 District to Open Space District, subject to the following conditions:

1. Provide a copy of the approved Approach Permits for Lots 1 & 2 from the Cascade County Public Works – Road & Bridge Division.
2. Provide a copy of the letter from the Great Falls Public School District demonstrating no adverse impact on educational services.
3. 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."
4. 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.
5. All vegetation disturbed during construction shall be reestablished with vegetation types that have been recommended by the MSU Extension Office.
6. 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.

7. No structure shall be located within the 100-year floodplain.
8. Inclusion in the HOA or on the Final Plat a covenant restricting structure height of no greater than five hundred (500) feet in height.
9. Structures shall not be permitted in high fire hazard areas, or on 25% slopes or at the apex of "fire chimneys."
10. The utility easements must be shown on the plat with dashed lines.
11. 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."
12. Correct any errors or omissions on the preliminary plat prior to final plat approval.
13. 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.

Attachments: Findings of Fact
Erpelding Minor Subdivision Preliminary Plat Application

cc: Mark Leo, Big Sky Civil & Environmental, Inc.
Ron & Cindy Erpelding