

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 Erpelding Minor Subdivision, first-time minor subdivision, received on April 13, 2022. The submittal was determined to contain all required components sufficient for adequate public review on April 29, 2022 and scheduled for public hearing for the Cascade County Planning Board on May 17, 2022. Notice 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 three (3) lots: Lot 1 consists of 5 acres, Lot 2 consists of 30.198 acres, and Lot 3, a floodplain parcel, consists of 1.038 acres. The total acreage of the project site is 36.23 acres.

I. PRIMARY REVIEW CRITERIA

A. Impacts on Agriculture – 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 Documents(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 ¹ across the Missouri River at the southern border of Lot 3 requiring protection from adverse impacts of development. However, the distance between the two parcels is over 400 feet and Lot 3 will be rezoned to Open Space as part of this proposal.	CCSR § 10-2(A)(1)	<p>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.</p> <p>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.”</p>	<p>Application Appendix B – NRCS Soil Report</p> <p>Application Appendix C “Preliminary Plat” – Condition Satisfied</p>
CONCLUSION: The impacts to agriculture set forth in the findings are mitigated with the imposed conditions based on the record.				

¹ [Web Soil Survey \(usda.gov\)](http://websoilsurvey.sc.egov.usda.gov)

B. Impacts on Agriculture Water User Facilities – 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 Appendix L “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 Appendix L “Summary of Probable Impacts” Application Appendix E “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 Appendix L “Summary of Probable Impacts”
CONCLUSION: The impacts to agriculture water user facilities set forth in the findings are mitigated with the imposed conditions based on the record.				

C. Impacts on Local Services – 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 Lots 1 & 2 will be directly from Flood Road.	CCSR § 10-2(C)(1)		Application Appendix K “Traffic Impact Analysis” Application Appendix L “Summary of Probable Impacts”
B	No transportation plan has been officially adopted for this area.	CCSR § 10-2(C)(2)		Application Appendix K “Traffic Impact Analysis” Application Appendix L “Summary of Probable Impacts”
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)	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 C “Preliminary Plat”— Condition Satisfied

D	The area of most significant impact is anticipated to be on Flood Road, a county-maintained road. The proposed development is projected to increase traffic by 9.57 vehicular trips per day which will not exceed the capacity of the road. Access will be required for Lot 1 and Lot 2. In order to ensure safe and adequate access on county roads, approach permits will be needed.	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 engineer that they meet at a minimum the Cascade County Subdivision Road Specification.	Application Appendix K "Traffic Impact Analysis"
				Include on the final plat a statement certifying the status of the internal subdivision roads.	Application Appendix L "Community Impact Report"
			1	Provide a copy of the approved Approach Permits for Lots 1 & 2 from the Cascade County Public Works – Road & Bridge Division.	
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.	Application Appendix C "Preliminary Plat" Application Appendix K "Traffic Impact Analysis" Application Appendix L "Community Impact Report"
F	The proposed subdivision consists of 2 residential lots that have the potential to add youth to local schools which is expected to have a positive impact on the Great Falls School District. The school district may need to add an additional bus route or adjust an existing route to serve additional students.	CCSR § 10-2(C)	2	Provide a copy of the letter from the Great Falls Public School District demonstrating no adverse impact on educational services.	Application Appendix L "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.					

D. Impacts on the Natural Environment - 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"
			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.	
B	Soil disturbances during the construction of this proposed subdivision will increase stormwater runoff.	CCSR § 10-2(D)	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.	Application Appendix G "Storm Drainage"

C	Lot 2 will have 2 proposed single-family residences, driveway, and parking pad that will increase impervious area by 2.4% 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 G "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 Appendix L "Summary of Probable Impacts"
E	The proposed subdivision is near a water body and partly in a Regulated Flood Hazard Area (RFHA) requiring mitigation for potential contamination or preservation of water body areas. Lot 3 is completely in the RFHA and borders the Missouri River that will be rezoned to Open Space.	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 Appendix N "Zone Change Application"
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. No wetland has been delineated on the proposed subdivision maps, plats, or site plans submitted as part of the subdivision application.	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 Appendix L "Summary of Probable Impacts"
G	The proposed subdivision contains a portion of the site of the historic Great Northern Railroad. There are no other known historic, paleontological, archaeological, or cultural sites, or objects on the property. There are no proposed disturbances or alterations to structures requiring mitigation.	CCSR § 10-2(D)			Application Appendix I "Cultural Resources"
CONCLUSION: The impacts to the natural environment set forth in the findings are mitigated with the imposed conditions based on the record.					

E. Impacts on Wildlife and Wildlife Habitat -					
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 Appendix L "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. Lot 3 will be rezoned to the Open Space District and can inadvertently serve to preserve wildlife habitat.	CCSR § 10-2(E)(2)		A deed restriction or irrevocable covenant shall be created to protect open space in perpetuity.	Application Appendix N "Zoning Change Application"
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 Appendix L "Summary of Probable Impacts"
CONCLUSION: 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.					

F. Impacts on Public Health and Safety - “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 does contain areas in the Regulated Flood Hazard Area (RFHA). Lot 3 is completely in the RFHA containing flood fringe and floodway in Zone AE of the Missouri River based on FEMA FIRM Panel # 30013C0615E (eff. 3/19/2013).	CCSR § 10-2(F)(1)	7	No structure shall be located within the 100-year floodplain.	Application Appendix A “FEMA Panel Map”
B	The 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 Outer Horizontal Surface (MOD-F) of the Height Military Overlay District. The MOD was established and incorporated into the Zoning Regulations to reduce interference with the helicopter runway at Malmstrom AFB.	CCSR § 10-2(F)(1) CCZR § 16	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.	CCZR § 16 “Height Military Overlay District Map”
D	The proposed subdivision is located in the Wildland Urban Interface 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. Include in the HOA Covenants, Conditions, and Restriction (CCRs) a provision for the maintenance of the Fire Protection Plan.	Application Appendix L “Community Impact Report”
E	The proposed subdivision is located in the Wildland Urban Interface, but	CCSR §§ 10-2(F); 10-15(C);		Install a fire suppression cistern system with a minimum of _____gallons on-site with the	Community Fire Plan Wildlife-Urban Interface

	has a low risk of wildland fire and is serviced by the Gore Hill Fire Department. The 2-residential lot proposal will increase minimally increase the fire risk due to vegetation and added structures to the area. Lot 1 will have a sanitary restriction limiting development and Lot 3 is completely will be rezoned to Open Space limiting any kind of development from occurring.	10-15(D); 10-15(E)(5); 10-15(F)		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. 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.	Cascade County and Dearborn FSA Map
F	The property has a designated no build zone due to steep slopes and for drainage preservation.	CCSR § 10-2(F)(2)	9	Structures shall not be permitted in high fire hazard areas, or on 25% slopes or at the apex of "fire chimneys."	Application Appendix D "Lot Layout"
G	Lot 2 will utilize a water well for domestic water supply to ensure the public's general health and welfare. Sanitary restrictions will be place on Lots 1 and 3.	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 C "Preliminary Plat" Application Appendix D "Lot Layout" Application Appendix E "Water Right" Application Appendix L "Community Impact Report"
H	Lot 2 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. Lots 1 and 3 will have sanitary restrictions.	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 C "Preliminary Plat" Application Appendix D "Lot Layout" Application Appendix F "Existing Septic"

					Permits” Application Appendix L “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. Landowners will be required to dispose of their own solid waste.	CCSR § 10-8; ARM 17.36.309; ARM 17.36.101; MCA §§ 76-4-101, <i>et seq.</i>		See Condition #(MDEQ COSA)	Application Appendix L “Community Impact Report”
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 G “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	10	The utility easements must be shown on the plat with dashed lines.	Application Appendix C “Preliminary Plat”
			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.”	Application Appendix C “Preliminary Plat”
				Cause to be recorded on the final plat a statement concerning limited public services.	Application Appendix C “Preliminary Plat”— Condition Satisfied

L	<p>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). The proposed subdivision includes Lot 3 (1.038 acres) to be designated at Open Space due to the floodplain.</p>	<p>CCSR § 10-12 MCA § 76-3-501(5)</p>		<p>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.</p>	<p>Application Appendix C "Preliminary Plat"</p>
<p>CONCLUSION: 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

A. Survey Requirements					
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	13	Correct any errors or omissions on the preliminary plat prior to final plat approval.	Application Appendix C "Preliminary Plat"
B. Abstract of Title					
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 Stuart Title Guaranty Company d.b.a. Mountain Title Company.	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 J "Subdivision Guarantee"— Condition Satisfied
C. Construction of Public Improvements					
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 C "Preliminary Plat"

D. Orderly Development				
Recommended Findings		Recommended Conditions		What Documents(s) in Record Support Findings and Conditions
A	The subdivision is in the Suburban Residential 1 zoning District designated for residential uses and requires minimum lot size of one (1) acre and yard setbacks 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 C "Preliminary Plat"
B	The subdivision is subject to a minimum acreage size of one (1) acre lots. Zoning within the SR-1 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 C "Preliminary Plat"
C	The subdivision is subject to a minimum acreage size of one (1) acre lots for residential uses. The SR-1 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 met.	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 C "Preliminary Plat"

E. Declaration of Covenant					
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)	14	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 C "Preliminary Plat"
<p>CONCLUSION: 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 ingresses and egresses, 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 all residential lots by Flood Road and all easements shall be placed on the Final Plat.

VI. REZONING OF LOT 3

This proposal includes a request for a zone change for proposed Lot 3 that is completely within FEMA's designated floodplain as required by CCSR § 10-14(A).

Pursuant to MCA § 76-2-203, the following criteria and guidelines must be considered in conjunction with all rezoning proposals:

Criteria 1: The rezoning is made in accordance with the five (5) listed goals in the Growth Policy.

The 2014 Cascade County Growth Policy (CCGP) contains five (5) goals which the policy defines as a direction of the Growth Policy. Each Goal also includes a subset of Objectives which the Growth Policy defines as a more narrowly defined and concrete expression of community intent. The five (5) goals and their related objectives are:

Goal 1: Sustain and strengthen the economic well-being of Cascade County citizens.

Applicant: N/A – The zone change request is to preserve an area within the 100-year floodplain. There are no anticipated economic impact[s] associated with the proposed zone change.

Staff: The proposed rezone will not negatively impact Cascade County citizens' economic well-being. This proposal does not relate to business and there will be no residential structures or uses allowed as a result of rezoning. However, the Open Space permitted uses and the uses allowed without a floodplain permit allow for purely agricultural uses, that do not involve structures. No impact is anticipated for encouraging alternative energy production in the county, or on the agricultural economy. Goal 1 is neither supported nor negatively impacted by this proposal.

Goal 2: Protect and maintain Cascade County's rural character and the community's historic relationship with natural resource development.

Applicant: N/A – The zone change request has been prompted by a proposed subdivision and is to preserve a portion of property in the regulatory 100-year floodplain.

Staff: No impact on agriculture or forestry are anticipated. The Open Space (OS) District allows for agricultural uses of the land and helps preserve Cascade County's scenic beauty, the Missouri River corridor, and habitat for wildlife. This rezone helps encourage locating development near the City of Great Falls and also prevents poorly designed subdivision that would put residents and the community at risk for loss of property and life in a flood

emergency. Clean air, clean water, a healthful environment and good community appearance is support by this rezone. The natural and beneficial functions of the floodplain will be continued, e.g., groundwater recharge, natural sediment and contaminant filtration, transportation of nutrients, support and protection of habitat for wildlife and fish, natural flood and erosion control, and recreational opportunities. Therefore, Goal 2 is supported by this proposed rezone.

Goal 3: Maintain agricultural economy.

Applicant: N/A – The zone change request has been prompted by a proposed subdivision and is to preserve a portion of the property in the regulatory 100-year floodplain.

Staff: Floodplains offer prime agricultural soils when nutrient-rich soils are deposited during times of flooding. Lot 3 does not contain prime farmland according to the USDA Natural Resources Conservation Services Web Soil Survey. The OS District allows for agricultural uses of the land and has the potential to maintain and encourage the agricultural economy. Object C of this Goal is satisfied as it directly speaks to protecting floodplain from non-agricultural development which is the driving intent of this rezone. Therefore, Goal 3 is supported by this proposed rezone.

Goal 4: Retain the presence of the U.S. Military in Cascade County

Applicant: N/A – The zone change request has been prompted by a proposed subdivision and is to preserve a portion of the property in the regulatory 100-year floodplain.

Staff: The proposed rezone is located in the Military Overlay District in the Outer Horizontal Surface (MOD-F) which prevents structures from exceeding 500 feet in height. By rezoning to OS and being located entirely within the floodplain will reduce the potential for structures to be built on this lot. Lot 3 is not within 2400 feet of a Missile Alert Facility or Launch Facility. Thus, there will be no known interference with Malmstrom AFB's operations. This Goal is supported by this proposed rezone.

Goal 5: Preserve and enhance the rural, friendly and independent lifestyle currently enjoyed by Cascade County's citizens.

N/A – The zone change request has been prompted by a proposed subdivision and is to preserve a portion of the property in the regulatory 100-year floodplain.

Staff: Lot 3 is located within the Wildland Urban Interface, but has a low fire risk terrain. It is located adjacent to

the Missouri River giving it access to water in case of a fire emergency. It will encourage recreational opportunity for the landowner(s). Major subdivision development has already occurred toward the North and East of this proposed subdivision. By creating this OS Lot, it will help retain the rural character of the surrounding area as residential development becomes denser. Goal 5 is supported by this proposed rezone.

Criteria #2: Whether the zoning regulations have been designed to secure safety from fire and other dangers.

Applicant: N/A

Staff: The proposed zone change from SR-1 to OS will not pose any risk to fire safety or other dangers. It has the potential to reduce these risks that would otherwise be exacerbated by development of this area. The biggest risk that will be mitigated as a result of this proposal is due to a 100-year flood event.

Criteria #3: Whether the zoning regulations have been designed to promote public health, public safety, and general welfare.

Applicant: N/A

Staff: The overall zoning regulations have been designed to promote public health, public safety, and general welfare. This rezoning proposal helps promote public health by preserving the floodplain's beneficial function such as groundwater recharge and filtration of sediment and contaminants. Public safety is also supported by preventing development in the regulated floodplain thereby reducing risk to property and life during a flood emergency. The overall general welfare is also considered with this proposal by developing our community in a flood resistant and flood resilient manner that prevents or reduces potential flood damage and allows the community to recover from a flooding emergency quicker.

Criteria #4: Whether the zoning regulations have been designed to facilitate the adequate provision of transportation, water, sewage, schools, parks, and other public requirements.

Applicant: A portion of 100-year floodplain will be preserved.

Staff: This proposal will not negatively affect the provision of transportation, water, sewage, schools, parks, and other public requirements. Lot 3 will function like a private park/recreation area likely utilized by Lot 2 landowners. It acts as a good buffer between the river and residential uses.

Criteria #5: Whether the zoning regulations have been designed to provide adequate light and air.

Applicant: N/A

Staff: The overall zoning regulation have been designed to provide adequate light and air. The OS District in particular incorporates this design by preventing most development from occurring and is intended to provide for open space recreation and environmental relief in residential areas, riparian zones, and amenity areas. Impervious surface area is limited to no more than 5% of the total open space.

Criteria #6: Whether the zoning regulations have been designed to address effects on motorized and non-motorized transportation systems.

Applicant: N/A

Staff: The zoning regulations have already been adopted and were designed to address effects on motorized and non-motorized transportation systems. This rezone does not affect existing motor and non-motorized transportation system that have been established and addition transportation to Lot 3 is not being proposed.

Criteria #7: Whether the zoning regulations have been designed to be compatible with urban growth in the vicinity of cities and towns that at a minimum must include the areas around municipalities.

Applicant: N/A

Staff: The zoning regulations have been designed and adopted to be compatible with urban growth in the vicinity of cities and towns. The subject area is zoned SR-1 and is close to the City of Great Falls. The rezone proposal for Lot 3 from SR-1 to Open Space is reasonable given that it is an area along the Missouri River corridor and as residential development becomes denser due to the close proximity to Great Falls, it is a benefit to preserve this area now rather than risk losing it in the future if development is not done well.

Criteria #8: Whether the zoning regulations have been made with reasonable consideration to the district's peculiar suitability for particular uses.

Applicant: N/A

Staff: This rezone is a requirement of the subdivision regulations and benefits the entire community. By having FEMA floodplain designated as OS, it prevents the number of structures in the floodplain from increasing; therefore, reducing the risk of loss to both life and property that may otherwise be utilized to build homes, garages, sheds, etc. The overall consequence is a more flood resilient community when faced with a flooding event. It also assists in developing a community character favorable to preserving land along rivers.

Criteria #9: Whether the zoning regulations have been made with a view to conserving the value of buildings and land.

Applicant: The preservation of a floodplain area.

Staff: By preserving open space in residential areas, it helps provide a natural buffer for potential nuisances such as noise and runoff. These types of lots have typically been sold along with a non-floodplain lot, giving the property owner a nice addition guaranteed free from development. As residential density increases within the SR-1 District, the OS area will help preserve value of buildings and lands adjacent to it.

Criteria #10: Must, as nearly as possible, be made compatible with the zoning ordinances of nearby municipalities.

Applicant: N/A

Staff: The rezone of Lot 3 is compatible with surrounding residential uses. In addition to preserving the floodplain's beneficial uses and mitigating risk to development that would otherwise be placed along the river, it provides habitat for wildlife and helps keep the land along the river aesthetically pleasing to surrounding properties.

Conclusion: The Cascade County Zoning Regulations state that the OS District "is intended to provide for open space recreation and environmental relief in residential areas, riparian zones, and amenity areas." This zoning change is to preserve and protect the floodplain from non-agricultural development and is required by the Cascade County Subdivision Regulations. It is substantially compliant with the rezoning criteria address above. The Planning Department recommends approval of the rezone of Lot 3 from SR-1 to OS.

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;
- D. The Cascade County Zoning Regulations; 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.