

July 12th, 2022

Agenda #4

Agenda Action Report
Prepared for the
Cascade County Commission

ITEM	Public Meeting for Final Plat Approval of Glenwood 1 Minor Subdivision
INITIATED BY	David and Kara Bell
ACTION REQUESTED	Final Plat Approval for the Glenwood 1 Minor Subdivision
PRESENTED BY	Kevin Angland, Planner

BACKGROUND: David and Kara Bell are requesting final plat approval for the Glenwood 1 Minor Subdivision consisting of one (1) residential lot. The property lies within the Suburban Residential Two (SR2) zoning district and the total acreage of the proposed site is 40.342 acres. Access to the proposed subdivision lot will be via Barnwood Lane, a private easement. The lots have been reviewed locally by the City-County Health Department. This application received preliminary plat approval by the County Commission on June 7, 2022. The preliminary plat approval had seven (7) conditions that needed to be met prior to final plat approval as listed below.

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

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.
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.
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.
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; and

7. Having the developer's surveyor correct any errors or omissions on the preliminary plat.

CONCLUSION: The proposed subdivision meets the requirements of the Cascade County Subdivision Regulations, as well as Montana's Subdivision and Surveying Laws and Regulations, and the applicant has fulfilled all the conditions of approval.

TWO MOTIONS PROVIDED FOR CONSIDERATION:

MOTION TO DENY: I move that the Cascade County Commissioners, after consideration of the Staff Report and Final Plat Application **deny** the Final Plat for Glenwood 1 Minor Subdivision.

MOTION TO APPROVE: I move that the Cascade County Commissioners after consideration of the Staff Report and Final Plat Application **approve** Final Plat for Glenwood 1 Minor Subdivision. due to the seven (7) conditions being met.

cc: David and Kara Bell, Robbie Osowski, Woith Engineering Inc.

Attachments:

Findings of Fact

Final Plat Application

Email from Mike Henen, Clerk and Recorder's

Sufficiency Letter

FINDINGS OF FACT FOR THE PRELIMINARY PLAT OF THE GLENWOOD 1 MINOR SUBDIVISION LOCATED IN THE W ½ OF SECTION 24, IN TOWNSHIP 20 NORTH, RANGE 4 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 29, 2022 and adjacent property owner notices and interested agency notices went out with the notice for planning board on May 2, 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

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 on all 40 acres of Lot 1.	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 G – NRCS Soil Report</p> <p>Application Appendix B "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.usda.gov)