

July 26, 2022

Agenda 4

Agenda Action Report
Prepared for the
Cascade County Commission

ITEM	Public Meeting for Final Plat Approval of Mountain View Estates North Phase II Major Subdivision
INITIATED BY	Mountain View Estates Development North, LLC.
ACTION REQUESTED	Final Plat Approval for the Mountain View Estates North Phase II Major Subdivision
PRESENTED BY	Kienna Owen-Quinata, Planner

BACKGROUND: Mountain View Estates Development North, LLC. is requesting final plat approval for Mountain View Estates North Phase II Major Subdivision consisting of forty-two (42) residential lots, ranging in size from 2.00 acres to 5.138 acres, one Parkland lot of 2.08 acres. The property lies within the Suburban Residential Two (SR2) zoning district and the Rural Residential Five (RR-5) and the total acreage of the proposed site is 147.822 acres. Access to the proposed subdivision lots will be via Airport Bench Road. The internal subdivision road system includes Gemini Court, Leo Lane, Libra Lane, and Scorpio Drive. The lots have been reviewed by the Department of Environmental Quality for water, wastewater, and stormwater approvals (E.Q. #19-1935). This application received preliminary plat approval by the County Commission on June 25, 2019. The preliminary plat approval had twenty-one (21) 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. Having the developer's surveyor correct any errors or omissions on the preliminary plat;
2. Causing to be prepared certificates of title of the land in the subdivision to be recorded in conjunction with the final plat;
3. Submitting with the plat a certificate of a title abstracter showing the names of the owners of record of the land and the names of lien holders or claimants of record against the land (M.C.A. 76-3-612, 2017).
4. Causing to be recorded in conjunction with the final plat the covenants of the Major Plat that contain, at a minimum, a noxious weed control program, an erosion control program, a limit to livestock and pets, a provision prohibiting commercial or industrial uses, and that impose upon all landowners the exclusive responsibility to improve and maintain the public rights of way created by and indicated on the subdivision plat.

5. Pursuant to 7-22-2152 M.C.A. (2017), submitting a written plan to the Cascade County Weed and Mosquito Division specifying the methods for weed management procedures with regards to this development.
6. Causing to be recorded in conjunction with the final plat homeowners' association documents with 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 subdivision plat.
7. Causing to be recorded on the plat a statement concerning limited public services.
8. Causing to be recorded on the plat an Agricultural Notification statement.
9. Design, construction, inspection, and certification, by a licensed professional engineer, of all internal private roads and cul-de-sacs to Cascade County Subdivision Road Specifications, as well as the purchase and installation of all required street signs and stop signs. All of the above items to be at the developer's expense and to be completed prior to the approval of the final plat.
10. The inclusion on the major plat a statement provided by Cascade County certifying the status of the internal subdivision roads.
11. The inclusion of setbacks in the covenants as required by the Cascade County Zoning Regulations.
12. Montana Department of Environmental Quality (MDEQ) Certificate of Subdivision Approval (COSA) shall be submitted with the final plat.
13. Causing to be recorded in conjunction with the final plat, an agreement requiring property owners of each subdivision tract to take part in any Rural Special Improvement District (RSID) for the reconstruction, improvement or perpetual maintenance of Airport Bench Road 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 equitable in such an RSID. This waiver will expire 20 years after the date the final plat is filed Cascade County. This statement of waiver shall be placed on the final plat.
14. Cause to be filed with final plat a Declaration of Covenant that declares 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. The covenant may be revoked for any or all parcels within the subdivision by mutual consent of the owners of the parcels in question and the governing body of Cascade County.
15. Installation of four (4) buried storage tank totaling a minimum of 48,000 gallons, installed on-site, properly maintained and equipped with the property appurtenances for the Gore Hill Volunteer Fire Department to use for firefighting at all times. Providing for an easement for the placement of the cisterns to be granted to Cascade County as well as the developers install and the homeowner's association maintain an accessible approach for access to the cisterns at all times. The installation of the cisterns totaling a minimum of 24,000 gallons to be installed at the commencement of each Phase of development. Cisterns must be located in an approved location by the Cascade County Planning Division and the Gore Hill Fire Chief.