

**FINDINGS OF FACT FOR THE PRELIMINARY PLAT OF THE BIG BEND RANCH NO. 16 SUBSEQUENT SUBDIVISION LOCATED EAST ½ OF SECTION 10, TOWNSHIP 19 NORTH, RANGE 3 EAST, PMM, CASCADE COUNTY, MONTANA.**

The Application requesting preliminary plat approval for Big Bend Ranch No. 16, major subdivision, received on March 31, 2022. The submittal was determined to contain all required components sufficient for adequate public review on July 13, 2022, and scheduled for public hearing for the Cascade County Planning Board on July 19, 2022 and reset to August 16, 2022 upon determination that another variance or application amendment would be required for two points of ingress and egress. Notice was sent to adjacent property owners on July 28, 2022, and published in the Great Falls Tribune on July 11, 2022 and July 18, 2022, and re-noticed on July 31, 2022 and August 7, 2022. The proposed subdivision consisting of 9 residential lots with a remainder lot exceeding 160 acres. The legal description is Parcel No. 2388600, having Geocode 02-2892-10-1-01-01-0000, being in the East ½ of Section 10, Township 19 North, Range 3 East, PMM, Cascade County, MT

**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. <i>See also</i> 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 <u>not</u> been identified based on the Web Soil Survey <sup>1</sup> on adjacent properties to the proposed subdivision requiring protection from the adverse impacts of development. Farmland of Statewide Importance has been identified to the west of the portion of the remainder lot based on the Soil Map of the area surrounding area.	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>Appendix A - Adjacent Ownership Information</p> <p>Appendix C - Preliminary Plat contains a “Notice of Agricultural Activities”</p>
<b>CONCLUSION:</b> There will be no impacts to agriculture.				

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

<p><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.</p>					
Recommended Findings			Recommended Conditions		What Documents(s) in Record Support Findings and Conditions
A	<p>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.</p>	CCSR §§ 10-2(B); 10-10			Application Appendix O - Summary of Probable Impacts
B	<p>The proposed subdivision creates lots averaging less than five acres in size requiring the appropriate disposition of water</p> <p>The proposed subdivision will be serviced by an existing public wastewater system built and designed with the capacity to serves the proposed lots.</p> <p>Ownership of the public water system, together with its maintenance and operation will eventually be transferred to the homeowners' association (HOA).</p>	CCSR §§ 10-2(B); 10-11	1	<p>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.</p>	Appendix E – Water Report
C	<p>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.</p>	CCSR §§ 10-2(B); 10-11(A)(2)			
<p><b>CONCLUSION:</b> There are no impacts to agricultural waters with the proper disposition of water rights.</p>					

**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	Internal streets, Missouri Bend Park Road, to access Lots 1, 2, 3, 4, 18, 19, 20 and 21 will be constructed as a part of the subdivision project. No alleys have been proposed. Stonegate Road will temporarily end in a cul-de-sac with the intent that this road will be continued on to a future subdivision.	CCSR § 10-2(C)(1)	All streets and alleys shall connect to other streets within the neighborhood/development and connect to existing or projected through streets, as part of an interconnected street network, outside of the development.	Appendix C - Preliminary Plat  Appendix L -Traffic Report
B	No transportation plan has been officially adopted for this area.	CCSR § 10-2(C)(2)	All streets will be aligned in accordance with any officially adopted transportation plans and the developer will either develop planned arterials and collectors in accordance with transportation plans or donate right of way for arterials and collectors in accordance with transportation plans.	
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.  Development will increase daily traffic on Fox Farm Road by approximately 86 trips per day. Traffic study conducted by BSCE found that the current roadway	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	Appendix C- Preliminary Plat  Appendix L - Traffic Report

	can support increased traffic.  “Waiver to Protest RSID” has been placed on the Preliminary Plat.			date the final plat is filed with Cascade County.	
D	<p>The area of most significant impact is anticipated to be on Fox Farm Road, a county-maintained road. The proposed development is projected to increase traffic by 86 vehicular trips per day which will not exceed the capacity of the road. Access will be required for Lots 1, 2, 3,4, 18, 19, 20 and 21. In order to ensure safe and adequate access on county roads, approach permits will be needed.</p> <p>A temporary cul-de-sac is proposed with the intention to connect the road to a future subdivision. A variance from the CCSR 10-4 to allow deviation from the design specifications for cul-de-sacs in Table 1 has been requested. The ability of emergency services, particularly fire services, to be able to get into the subdivision and turn around is a concern with the ability to provide adequate emergency services. While there is a future plan to further subdivide, there is no guarantee as to when or if this will occur.</p>	CCSR § 10-2(C)(4)	2	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.	Appendix C - Preliminary Plat  Appendix L - Variance Request
			3	Include on the final plat a statement certifying the status of the internal subdivision roads.	
			4	Provide a copy of the approved Approach Permits, if required, with the Final Plat Application.	
			5	Any conditions imposed as part the variance approval will be required to be satisfied to mitigate any identified concerns.	
E	Internal subdivision roads are proposed: Stonegate Road (one not labeled on the Preliminary Plat).	CCSR § 10-4 MCA 76-3-501	6	Cause to be recorded in conjunction with the final plat, HOA CCRs with provisions granting sufficient authority and procedural mechanisms to	Appendix C – Preliminary Plat  Appendix L - Traffic Report

			administer, enforce, and fund the perpetual maintenance and discretionary improvement of the public rights of way created by and indicated on the final plat.	Appendix N – Draft Declaration of Protective and Restrictive Covenants of Big Bend Ranch, Art. VII
F	The proposed subdivision consists of 9 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. A letter from GFPS provides no other adverse impacts identified for adding a proposed 9 students.	CCSR § 10-2(C)	Provide a copy of the letter from the Great Falls Public School District demonstrating no adverse impact on educational services.	Appendix O - Community Impact Report, GFPS Letter dated February 7, 2022
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. A Weed Management Plan has been executed.	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	7	A provision shall be included in the HOA CCRs requiring control of County declared noxious weeds.	Application Appendix H - Weed Management Plan  Appendix N – Draft Declaration of Protective and Restrictive Covenants of Big Bend Ranch
			8	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."	
			9	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.	
			10	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)	11	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.	Appendix G - Storm Drainage Report  Appendix O – Environmental Assessment
C	The proposed 9 residential lots, roadways, driveway, and parking pads will increase impervious area increasing stormwater runoff. The project incorporates the use of ditches, berms, culverts, and	CCSR § 10-2(D)	12	The Montana Department of Environmental Quality (MDEQ) Certificate of Subdivision Approval (COSA) must be provided prior to final plat approval.	Appendix G - Storm Drainage Report

	detention/retention ponds to properly manage the 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)		Appendix E – Water Report  Application Appendix O – Environmental Assessment
E	The proposed 9 residential lots are not in the Regulated Flood Hazard Area but near the Missouri River. The remainder tract does contain Regulated Flood Hazard Area but is not being considered as part of this proposal.	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.  Appendix A – FEMA Panel Map
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.  Appendix A – Vicinity Map  Appendix C – Preliminary Plat  Appendix D – Lot Layout
G	There are no 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)		No disturbance or alteration to structures over fifty (50) years of age.  Application Appendix J - Cultural Resource Review
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 Documents(s) in Record Support Findings and Conditions
A	<u>No</u> critical wildlife habitats and corridors, or critical plant	CCSR § 10-2(E)(1)		A two hundred (200) foot open space buffer shall be established between any  Appendix I - Sage Grouse

	communities have been identified that would be adversely impacted and need protection from this proposed development.			structures and any critical wildlife habitat and corridors.	Appendix O – Environmental Assessment  Appendix O – 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.	Appendix O – 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.	Appendix O - Environmental Assessment  Appendix O – 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.					

<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 does <u>not</u> contain areas in the Regulated Flood Hazard Area (RFHA) based on FEMA FIRM Panel #30013C0612E (eff. 3/19/2013). There are large portions of this area in the 0.2% Annual Chance Flood Hazard area.	CCSR § 10-2(F)(1)		No structure shall be located within the 100-year floodplain.	Appendix A - FEMA Panel Map  FIRM Panel #30013C0612E
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 Approach/Departure Clearance Surface (MOD-E) 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	13	Inclusion in the HOA CCRs and/or on the Final Plat a covenant restricting structure height of no greater than fifty (50) 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.	CCSR § 10-2(F)(2)	14	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.	Appendix M - Fire Protection Plan
			15	Include in the HOA Covenants, Conditions, and Restriction (CCRs) a provision for the maintenance of the Fire Protection Plan.	
E	The proposed subdivision is located in the Wildland Urban Interface. Has a low risk of wildland fire and is serviced by the Gore Hill Fire Department.  Adequate water supply for fire protection has been calculated at a minimum to be 14,500 gallons of water.  The proposed cistern to be utilized was built for previous Big Bend	CCSR §§ 10-2(F); 10-15(C); 10-15(D); 10-15(E)(5); 10-15(F)	16	Install a fire suppression cistern system with a minimum of <u>14,500</u> gallons on-site with the proper appurtenances for the <u>Gore Hill Volunteer</u> Fire Department to use for firefighting at all times that is no further than 1000 feet way from any portion of any of the 9 residential lots, unless a centralized water supply designed by a licensed engineer and approved by the Commissioners is proposed.	Appendix M - Fire Protection Plan Appendix M – Gore Hill
			17	Install an approach for access to the fire cistern and appurtenances.	

	subdivision holding 85,000 gallons of water and is located off Bend Park Road over 1000 feet away from furthest proposed lot. A centralized public water cistern and hydrant are proposed by the developer.  The proposed subdivision only has one point of ingress/egress. A variance has been requested to allow only one point of ingress/egress.		18	Include in the HOA CCRs a provision for maintaining the fire cistern road approach.	
			19	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.	
			20	Two points of ingress and egress must be provided unless an approved variance is obtained. If conditional variance approval is granted, the conditions must be satisfied before final plat approval.	
F	The property has a designated no build zone due to steep slopes and for drainage preservation.	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 D - Lot Layout
G	Big Bend Ranch No. XIV will utilize a water well for domestic water supply to ensure the public's general health and welfare.	CCSR § 10-6	See 12	The Montana Department of Environmental Quality (MDEQ) Certificate of Subdivision Approval (COSA) must be provided prior to final plat approval.	Appendix E - Water Report
H	Big Bend Ranch No. XIV Subdivision will utilize septic systems for each lot to dispose of wastewater to prevent the spread of disease, water contamination and 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 12	The Montana Department of Environmental Quality (MDEQ) Certificate of Subdivision Approval (COSA) must be provided prior to final plat approval.	Appendix F - Wastewater 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 12	The Montana Department of Environmental Quality (MDEQ) Certificate of Subdivision Approval (COSA) must be provided prior to final plat approval.	Appendix F – Wastewater Report
J	The proposed subdivision will not significantly increase the area of impervious surface which will impact the natural process for absorption,	CCSR § 10-5	See 12	The Montana Department of Environmental Quality (MDEQ) Certificate of Subdivision Approval (COSA) must be provided prior to final plat approval.	Appendix D - Lot Layout  Appendix G – Storm Drainage Report

	drainage and filtration of stormwater runoff.				
K	<p>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.</p> <p>The Preliminary Plat does not include “broadband” which will need to be added to the statement.</p> <p>The Preliminary Plat contains the required statement for limited public services.</p>	CCSR § 10-9	21	The utility easements must be shown on the plat with dashed lines.	Appendix C - Preliminary Plat
			22	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.”	
				Cause to be recorded on the final plat a statement concerning limited public services.	
L	<p>The proposed subdivision creates a need for open space/park areas for residents to utilize for their general welfare, preserve areas providing wildlife habitat, &amp; act as buffers between lots, structures, and/or roads to make the subdivision more aesthetically appealing.</p> <p>The proposed subdivision does not include park land. Instead, the cash in lieu option has been chosen.</p> <p>Based on the DOR 2022 assessed value of the land, the cash in lieu of parkland amounts to less than \$400.00.</p>	CCSR § 10-12 MCA § 76-3-621	23	The final plat shall dedicate a minimum of 0.904 acres to park land unless a certificate of waiver of park land dedication is placed on the final plat demonstrating acceptance of cash in lieu or land donation outside of the proposed subdivision.	Appendix O – Parkland Calculation
			24	A calculation of the cash in lieu will need to be submitted based on the fair market value of the unsubdivided, unimproved land, and total paid to the County prior final plat approval if the Commission determines a cash donation is acceptable.	
<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	25	Correct any errors or omissions on the preliminary plat prior to final plat approval.	Application Appendix C -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 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.	Appendix K - Subdivision Guarantee
<b>C. Construction of Public Improvements</b>					
Recommended Findings			Recommended Conditions		What Documents(s) in Record Support Findings and Conditions
A	Public improvements are proposed for this subdivision.	MCA § 76-3-507	26	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.	Appendix C - Preliminary Plat
<b>D. Orderly Development</b>					

Recommended Findings			Recommended Conditions		What Documents(s) in Record Support Findings and Conditions
A	<p>The subdivision is in the Suburban Residential 2 zoning District designated for residential uses and requires minimum lot size of two (2) 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.</p> <p>The draft HOA Declaration in Art. V that construction shall comply with “applicable governmental building and health codes or similar restrictions or regulations” and a “Set Backs” provision.</p>	MCA § 76-3-501; CCZR §§ 5-9(B)(3), 7.1, 7.3	27	Include in the HOA CCRs a provision that, at a minimum, require the yard setback requirements of the Cascade County Zoning Regulations.	Appendix N – Draft Declaration of Protective Covenants of Big Ben Ranch
B	<p>The subdivision is subject to a minimum acreage size of two (2) acre lots. Zoning within the SR-2 District only allows for “limited agricultural uses” to prevent overgrazing and public nuisances. New buildings, structures, signs, foundations, and new land uses and changes in use will require a zoning permit to ensure zoning requirements are satisfied.</p> <p>The draft HOA Declaration in Art. V that construction shall comply with “applicable governmental building and health codes or similar restrictions or regulations.”</p>	MCA § 76-3-501; CCZR §§ 5-9(B)(3), 7.3.2	28	Include in the HOA CCRs a provision limiting livestock in accordance with the Cascade County Zoning Regulations.	Appendix N – Draft Declaration of Protective Covenants of Big Ben Ranch
C	The subdivision is subject to a	MCA § 76-3-501;	29	Include in the HOA CCRs a provision	Appendix N – Draft

	<p>minimum acreage size of one (2) acre lots for residential uses. The SR-2 District provides for low-density suburban residential development with limited agricultural uses and residential services. New buildings, structures, signs, foundations, and new land uses and changes in use will require a zoning permit to ensure zoning requirements are met.</p> <p>The draft HOA Declaration in Art. V that construction shall comply with “applicable governmental building and health codes or similar restrictions or regulations.”</p>	CCZR §§ 5-9(B)(3), 7.3		prohibiting commercial and industrial uses.	Declaration of Protective Covenants of Big Ben Ranch
<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 on 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.	Appendix C - 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</p>					

procedures set forth under the applicable laws and regulations.

### **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 Stonegate Road and all easements and road names 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;
- 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.