

ITEM Preliminary Plat of Foxwood Estates

INITIATED BY Dahlquist Commercial & Investment L.L.C., Property Owner and Developer

ACTION REQUESTED Approve Preliminary Plat and Findings of Fact

PREPARED BY Bill Walters, Senior Planner

APPROVED & PRESENTED BY Benjamin Rangel, Planning Director

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RECOMMENDATION:

The Great Falls Planning Board has recommended the City Commission approve the preliminary plat of Foxwood Estates, and the accompanying Findings of Fact subject to fulfillment of stipulated conditions.

MOTION:

“I move the City Commission approve the preliminary plat of Foxwood Estates and the accompanying Findings of Fact subject to fulfillment of conditions stipulated by the Planning Board.”

SYNOPSIS:

Foxwood Estates consists of 14 proposed single family residential lots located south of Park Garden Road between Park Garden Estates and Park Garden Lane.

BACKGROUND:

The Planning Office is in receipt of applications from Dahlquist Commercial & Investment LLC, regarding the following:

- 1) Preliminary Plat of Foxwood Estates, located in the NW1/4 of Section 23, Township 20 North, Range 3 East, Cascade County, Montana.
- 2) Annexation to the City of Great Falls of the 6.75 acres contained in the proposed Foxwood Estates.
- 3) Establishing a City zoning classification of R-1 Single-family suburban district on Foxwood Estates, upon annexation.

Said Preliminary Plat consists of 14 lots ranging in size from 20,554 sq ft to 21,614 sq ft located south of Park Garden Road between Park Garden Estates and Park Garden Lane. Also proposed to be annexed simultaneously with the Foxwood Estates Subdivision is the abutting unincorporated portion of Park Garden Lane.

For additional information please refer to the attached Vicinity/Zoning Map and Preliminary Plat of Foxwood Estates Subdivision.

Access to the subdivision will be provided by a private interior road connected to Park Garden Road on the north and Park Garden Lane near the southeast corner of the development. The interior road is proposed to have a 24-ft driving surface with no curb and gutter.

City water and sanitary sewer mains will be installed in the 50-ft easement accommodating the private road within the subdivision. The sewer system includes a lift station in Lot 14 abutting Park Garden Road.

Surface runoff from the subdivision will be directed toward the internal private roadway where it will be detained and piped to the City's existing storm sewer system in Park Garden Road.

The applicant intends to fulfill the subdivision's park obligation by paying cash in lieu of dedicating land.

There have been numerous and intense discussions between the Community Development staff and the applicant and their engineering representatives concerning the fill and floodplain issues associated with this project. Attached are Memorandums from the City Building Official, dated February 13 and March 11, 2008, stating the need for an approved report by a registered design professional stipulating the requirements for compacted fill material where load bearing footings will be located. The applicant's engineer has stated an engineering report will be completed which specifies that footings must be constructed on prepared, native material and cannot be constructed on existing fill material. Also attached are Memorandums from the City Floodplain Administrator, dated February 13 and March 11, 2008, stating floodplain regulations applicable to the subdivision site and the need: a) to bring fill material into compliance with floodplain regulations; b) for documentation by an engineer demonstrating the cumulative effect of the proposed development under a flood condition; and, c) for a certification from an engineer that any development is designed in compliance with Federal, State and City floodplain regulations.

Traffic Analysis:

The average weekday trip generation rate for a single family dwelling unit, according to the Institute of Traffic Engineers' Trip Generation Manual, 7th Edition, is 9.57 vehicle trip ends. The proposed 14 single family dwelling units would produce the following trips:

14 units x 9.57 trips/unit = 134 average weekday trips

Nearby Traffic Counts & Roadway Classifications

(Traffic Counts are Average Annual Daily Traffic)

- Fox Farm Road, south of Park Garden Road (Minor Arterial) 5,734 (2005)
- Fox Farm Road, north of 25th Avenue Southwest (Minor Arterial) 7,642 (2006)
- Park Garden Road, west of Fox Farm Road (Collector) 2,172 (2006)
- Park Garden Road, east of Fox Farm Road (Collector) 840 (2006)
- Park Garden Lane (Local) Not Available

Trip Generation and Impact

The majority of trips would be expected to access the development from Fox Farm Road and Park Garden Road. The 2006 traffic count on Park Garden Road, east of Fox Farm Road, is 840 vehicles per day. Assuming all traffic used this roadway segment for access, traffic volumes would increase to 974 vehicles per day. Traffic beyond the intersection with Fox Farm Road would likely split, with

a portion continuing west and the majority of the remainder going north on Fox Farm Road.

Because of the unavailability of additional land for development in the area, this would likely be the last larger development to impact Park Garden Road. Therefore, Park Garden Road, east of Fox Farm Road would not be expected to carry much more than 1000 vehicles per day in the foreseeable future. This volume of traffic can be accommodated by the current roadway, and the additional 134 trips are not anticipated to negatively impact the roadway or the neighborhood. Both Fox Farm Road, and Park Garden Road west of its intersection with Fox Farm Road, can accommodate the small additional traffic that the development would generate.

Very little traffic from the proposed development project is anticipated to use Park Garden Lane. The houses to be built on the lots abutting the Lane are planned to be built fronting the new internal roadway, and the short connector road onto Park Garden Lane would be mainly to provide an alternate access/exit route and to accommodate emergency and sanitation vehicles.

Planning Board Consideration/Recommendation

The Planning Board initiated the public hearing on the preliminary plat on February 26, 2008, and continued the hearing until March 11, 2008, at the request of the applicant to allow time to resolve and clarify fill and floodplain issues associated with the project. During the hearing on March 11, Mr. Joe Murphy, NCI Engineering, spoke on behalf of the applicant. No proponents or opponents spoke or public comments were expressed during the hearing. At the conclusion of the public hearing, the Planning Board unanimously passed a motion recommending the City Commission approve the preliminary plat of Foxwood Estates and the accompanying Findings of Fact subject to the following conditions being fulfilled by the applicant:

- 1) The final plat of Foxwood Estates Subdivision shall incorporate correction of any errors or omissions noted by staff including provision of a notification clause to lot purchasers regarding soil conditions.
- 2) The final engineering drawings and specifications for the required public improvements to serve Foxwood Estates Subdivision shall be submitted to the City Public Works Department for review and approval prior to consideration of the final plat.
- 3) A report prepared by a registered design professional stipulating the requirements for compacted fill material where load bearing footings will be located and as described in the Memorandum, dated February 13, 2008, from the City Building Official shall be submitted to the Building Official prior to consideration of the final plat.
- 4) Documentation by an engineer demonstrating the cumulative effect of the proposed development under a flood condition and a certification from an engineer that any development is designed in compliance with Federal, State and City floodplain regulations and as described in the Memorandum, dated 3/11/08, from the City Floodplain Administrator shall be submitted to the Floodplain Administrator prior to consideration of the final plat.
- 5) An annexation agreement shall be prepared containing terms and conditions for annexation of the subdivision including agreement by the applicant:
 - a) to install, within two years of the date of annexation of the subdivision, the public improvements referenced in Condition 2) above;

- b) to escrow the subdivision's proportionate share of the estimated cost to improve the abutting portion of Park Garden Lane to a standard acceptable to the Public Works Department;
 - c) to require all building footings to be placed on compacted native soils or compacted fill material meeting the minimum requirements of the report referenced in condition 3) above;
 - d) to comply with applicable floodplain regulations and provision of acceptable fill material including proper compaction and grading as enumerated in the Memorandum, dated 3/11/2008, from the City Floodplain Administrator; and,
 - e) to indemnify and hold City harmless for any damages that may be sustained as a result of adverse soil and/or groundwater conditions.
- 6) All applicable fees owed as a condition of plat or annexation approval shall be paid upon final platting and annexation, including:
- | | |
|---|------------------|
| a) annexation resolution fee | \$100.00 |
| b) annexation agreement fee | 200.00 |
| c) final plat fee | 200.00 |
| d) storm sewer fee (\$250/acre x 6.75 acres) | 1,687.50 |
| e) park fee (11% x 6.75 net acres x current fair market value of unsubdivided, unimproved land) | to be determined |
| f) recording fees for annexation documents (\$11 per page) | to be determined |


Attach: Vicinity/Zoning Map
 Reduced Copy of Preliminary Plat
 Memorandums from City Building Official, dated February 13 and March 11, 2008
 Memorandums from City Floodplain Administrator, dated 2/13/2008 & 3/11/08
 Findings of Fact


Cc w/o attach: Dahlquist Commercial & Investment, LLC, 500 Country Club Blvd, G. F., 59404
 Joe Murphy, NCI Engineering, PO Box 6350, G. F., 59406


EXHIBIT "A"









VICINITY/ZONING MAP




 PROPOSED FOXWOOD ESTATES SUBDIVISION TO BE ANNEXED TO THE CITY AND ASSIGNED A CITY ZONING CLASSIFICATION OF "R-1" SINGLE-FAMILY SUBURBAN DISTRICT

 ABUTTING PORTION OF PARK GARDEN LANE TO BE ANNEXED INTO THE CITY SIMULTANEOUSLY WITH SAID SUBDIVISION

 EXISTING CITY LIMITS

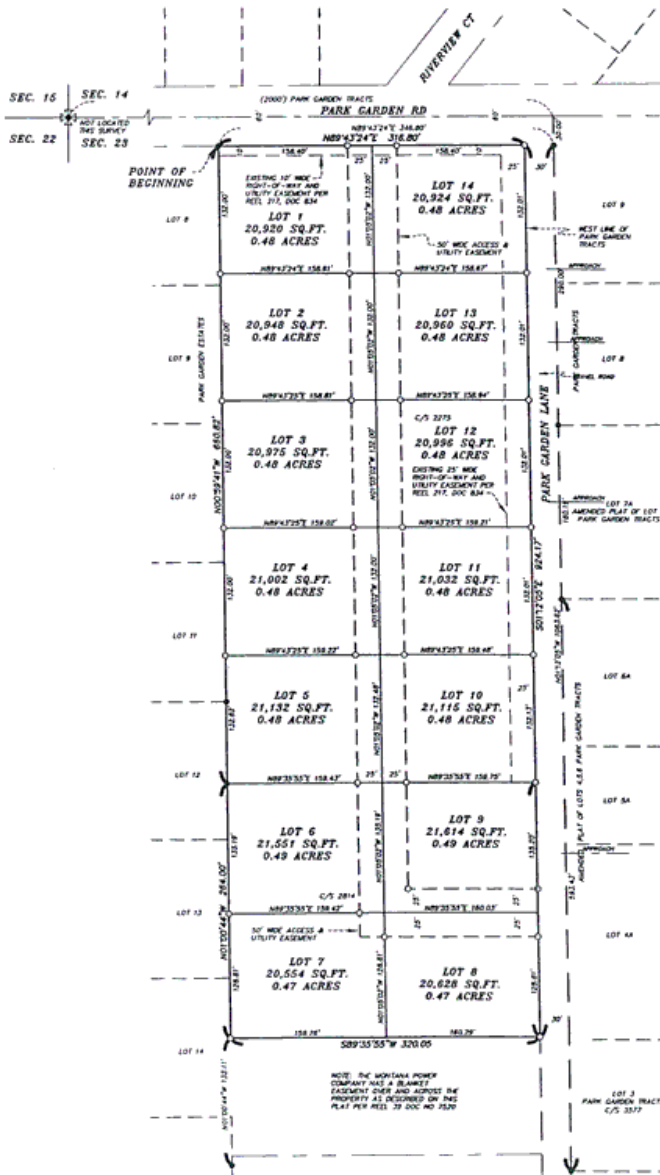
 R-5 Multi-family medium density	 POS Parks and Open Space
 R-1 Single-family suburban	 PUD Planned unit development
 R-2 Single-family medium density	 U Unincorporated
 PLI Public Lands and Institutional	 Tracts of land outside City

890 445 0 890 Feet



FOXWOOD ESTATES SUBDIVISION

A SUBDIVISION IN COV'T LOT 2 OF SECTION 23, T20N, R3E, P.M.M., CITY OF GREAT FALLS, MONTANA



SCALE:



BASIS OF BEARINGS:
GPS OBSERVATION

LEGEND

- = FOUND AS NOTED
- = SET 5/8" REBAR W/IPC "MILDRIN 14537LS"
- () = RECORD PER C/S 416

CONSENT OF MORTGAGEE

The undersigned mortgagee does hereby join in and consent to the subdivision shown on the attached plat.

Dated this _____ day of _____, 200__.

STOCKMAN BANK

By _____

STATE OF MONTANA

County of CASSIDY

This Consent of Mortgagee was acknowledged before me on this _____ day of _____, 200__.

Known by me to be _____

Notary Public, State of _____
by Commission expires _____
Residing at _____

CERTIFICATE OF SURVEY

I, Jeremy T. Milburn, Professional Land Surveyor, do hereby certify that the survey shown on this plat, and that said survey is true and complete.

Dated this _____ day of _____, 20__.

INWITERS: SCOTT BLUMFELD AND BRETT HAVERLANDT
TOTAL PLAT AREA: 6.79 ACRES
DATE SURVEYED: JULY, 2007 - DECEMBER, 2007

Memo

To: Bill Walters, Senior Planner
From: Jeff Jenkins, Building Official 
Date: February 13, 2008
Re: Preliminary Plat of Foxwood Estates Subdivision

In order to receive a building permit on this property one would be required to meet flood hazard documentation plus the following section of the International Building Code:

1803.5 Compacted fill material.

Where footings will bear on compacted fill material, the compacted fill shall comply with the provisions of an approved report, which shall contain the following:

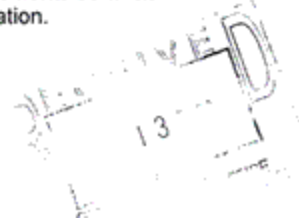
- 1. Specifications for the preparation of the site prior to placement of compacted fill material.*
- 2. Specifications for material to be used as compacted fill.*
- 3. Test method to be used to determine the maximum dry density and optimum moisture content of the material to be used as compacted fill.*
- 4. Maximum allowable thickness of each lift of compacted fill material.*
- 5. Field test method for determining the in-place dry density of the compacted fill.*
- 6. Minimum acceptable in-place dry density expressed as a percentage of the maximum dry density determined in accordance with Item 3.*
- 7. Number and frequency of field tests required to determine compliance with Item 6.*

Exception: Compacted fill material less than 12 inches (305 mm) in depth need not comply with an approved report, provided it has been compacted to a minimum of 90 percent Modified Proctor in accordance with ASTM D 1557. The compaction shall be verified by a qualified inspector approved by the building official.

The report must be submitted by a registered design professional. It would seem logical to have this report provided as a condition of annexation for the whole subdivision as opposed to having it completed fourteen times by the prospective property purchasers.

I respectfully request that the Planning Board consider these requirements be written into the annexation agreement, received and approved, prior to final annexation.

cc: Read File



Community Development Department

Memo

To: Bill Walters, Senior Planner
From: Jeff Jenkins, Building Official
Date: March 11, 2008
Re: Preliminary Plat of Foxwood Estates Subdivision

The report referenced in Section 1803.5 of the 2006 International Building Code must be submitted by a registered design professional. It is my understanding that it will be prepared, submitted for approval, and presented as part of the annexation agreement as a minimum standard for the building construction in this subdivision, which would appear to address the construction concerns.

cc: Read File



Memorandum

To: Bill Walters, Sr. Planner
From: Kim McCleary, Floodplain Administrator *Kim M. Cleary*
Date: 2/13/2008
Re: Preliminary Plat of Foxwood Estates Subdivision

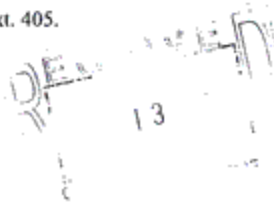
The proposed subdivision, Foxwood Estates is located in the 100 year floodplain. Please consider the following during the annexation process:

1. After annexation, any man-made alteration to the property, including but not limited to any ground movement, utility work, or construction would require a City floodplain permit.
2. Floodplain regulations require that, prior to construction, the property be filled to the base flood elevation (BFE). The BFE for this subdivision is 3320'. Without knowing the elevation of the ground, it is difficult to determine how much fill must be brought in to raise the elevation to 3320'.
3. Floodplain regulations further require that the BFE must be maintained for 15' in all directions of structures.
4. The lowest floor for any constructed structure in the subdivision must have an elevation of 2' above the BFE. This would include the basement floor.
5. Pre-construction and finished construction elevation certificates will be required for final floodplain permit approval.
6. Documentation by a certified professional engineer, licensed in Montana, of the probable effect on upstream, downstream and adjacent property owners caused by the proposed development will be required prior to any development in the subdivision. A mitigation plan will need to be approved by the Floodplain Administrator for any negative effect of the development found in the study prior to development. Additionally, a professional engineer must certify that any development is designed in compliance with federal, state and City floodplain regulations. It is requested that the Planning Board consider the items listed in number 6 as a condition of annexation.

In your staff^(report)dated February 5, 2008, it is stated that the majority of the subdivision site has received and will continue to receive fill material. I have obtained a copy of the County floodplain permit issued to place fill on the property in consideration. After a site inspection of the property, it appears the fill does not meet the conditions of approval of the County permit. It is recommended that the Planning Board consider requiring the fill be brought into compliance with the additional conditions attached to the County floodplain permit prior to, and as a condition of annexation.

If you have any questions, please feel free to call me at ext. 405.

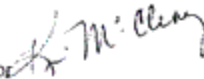
(x memorandum)



Memorandum

To: Bill Walters, Sr. Planner

From: Kim McCleary, Floodplain Administrator



Date: 3/11/2008

Re: Preliminary Plat of Foxwood Estates Subdivision

The proposed subdivision, Foxwood Estates is entirely located in the 100 year floodplain with a base flood elevation of 3320'. This means that the property has a 1% chance of flooding in any given year. Because of concerns regarding the effect this development will have on the properties in the area in the event of flooding, and concerns that lands with evidence of flooding or high water table may be detrimental to the health, safety or general welfare of existing or future residents, the property should not be subdivided for building or residential purposes unless the hazards are eliminated or will be overcome by approved design and construction plans.

Although the county issued a floodplain permit to allow fill to be brought onto the property, that permit, which was issued to the previous owner, expired in December, 2005. The fill has not been compacted or graded, which is a requirement of State and Federal floodplain regulations, therefore, I believe there is a floodplain violation. I am requesting that the Planning Board consider requiring the fill be brought into compliance with floodplain regulations prior to and as a condition of annexation. Please see attached correspondence from the State Floodplain Coordinator.

All items stated in my memo dated February 13, 2008 continue to be considerations for this development with the exception of item number 6, which I would like to amend as follows:

6. Documentation by a certified professional engineer, licensed in Montana, that demonstrates that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than 1/2 of a foot at any point within the community, or significantly increase the flood velocity. This study/documentation is a requirement of Federal and State floodplain regulations. Additionally, per City code, a professional engineer must certify that any development is designed in compliance with Federal, State and City floodplain regulations. It is requested that the Planning Board require this study as a condition of annexation.

The State Department of Natural Resources reviews all floodplain permit applications, and may have additional floodplain requirements for this development.

Additionally, I am requesting that the Planning Board consider requiring the applicant consult with Mr. Jim Young, City Engineer regarding any additional storm drain requirements he may have over and above those that would normally be imposed for a subdivision outside the floodplain.

If you have any questions, please feel free to call me at ext. 405.



**FINDINGS OF FACT
FOR
FOXWOOD ESTATES SUBDIVISION
SECTION 23, T20N, R3E
CASCADE COUNTY, MONTANA
(PREPARED IN RESPONSE TO 76-3-608(3)MCA)**

I. PRIMARY REVIEW CRITERIA

Effect on Agricultural

The subdivision site is surrounded by urban development and has not been used for any agricultural related uses for many years. The subdivision will not interfere with any irrigation system or present any interference with agricultural operations in the vicinity.

Effect on Local Services

The subdivision is in the process of being annexed to the City of Great Falls and will be served by the Great Falls Police and Fire Departments. Response distance for emergency fire vehicles is one mile. A City water main and sanitary sewer main will be extended to serve planned development within the subdivision which is to be annexed to the City. Access to subject property will be from the abutting Park Garden Road, a paved public roadway maintained by the City.

Effect on the Natural Environment

The subdivision is not expected to adversely affect soils or the water quality or quantity of surface or ground waters. Development of subject property with fourteen additional building sites will generate surface runoff which will be directed toward the internal private roadway where it will be detained and piped to the City's existing storm sewer system in Park Garden Road.

Effect on Wildlife and Wildlife Habitat

The subdivision is surrounded by urban development. The subdivision is not in an area of significant wildlife habitat and will not result in closure of public access to hunting or fishing areas, nor to public lands.

Effect on Public Health and Safety

Based on available information, the subdivision is not subject to abnormal potential natural hazards such as wildfire, snow or rock slides, nor potential man-made hazards such as high pressure gas lines, railroads, and high traffic volumes or nearby mining activity. As the subdivision is within the designated floodplain of the Missouri River, requirements pertaining to fill material and building elevations must be satisfied. A high voltage power line exists along the north and east boundaries of the subdivision.

II. REQUIREMENTS OF MONTANA SUBDIVISION AND PLATTING ACT, UNIFORM STANDARDS FOR MONUMENTATION, AND LOCAL SUBDIVISION REGULATIONS

The subdivision meets the requirements of the Montana Subdivision and Platting Act and the surveying requirements specified in the Uniform Standards for Monumentation, and conforms to the design standards specified in the local subdivision regulations. The subdivider and the local government have complied with the subdivision review and approval procedures set forth in the local subdivision regulations.

III. EASEMENT FOR UTILITIES

Utilities are and can be accommodated in the existing public road right of way and easements in the vicinity as well as easements to be provided on the Subdivision Plat.

IV. LEGAL AND PHYSICAL ACCESS

Legal and physical access to the subdivision is provided by the abutting Park Garden Road, a public roadway improved to City standards and maintained by the City. Access to individual lots will be provided by a paved privately maintained interior roadway.