

MINERAL COUNTY PLANNING STAFF
FINDINGS OF FACT
Proposed Elk Run at St. Regis

February 12, 2017

The proposed Elk Run at St. Regis is a five-lot subdivision and is located approximately one mile east of St. Regis on Old Highway 10 East. The property is located in the NE ¼ and the SE ¼ of Section 30, T.18N., R.27W., P.M.M., Mineral County, Montana. The proposal will divide 135 acres into a 124-acre lot and four 2.5-acre lots. All proposed lots will have single family dwellings. The minor subdivision will be reviewed as a subsequent major. The proposal will have access from Old Highway 10 East for lots one through four and Four Mile Road for lot five. The owner of the property is Kevin Dunnigan of Big Sky Acres, LLC located in Timnath, Colorado. Lots one through four will have individual on-site water and wastewater treatment systems. The proposed lot five will have a shared water system and on-site wastewater treatment system.

The property consists of a flat bench from the south to where the property slopes up to the north and northeast property lines. The south bench in the vicinity of proposed lots one through four has a densely treed forest area that was recently treated to reduce tree density.

The original acreage has been subdivided or amended some 20 times which includes three subdivisions and one recreational vehicle park. This property was proposed to be subdivided into 80 lots in 2007. The conditional approval for The Timbers subdivision has expired.

Old Highway 10 from the intersection of Montana Highway 135 to the start of Four Mile Road is maintained by the Montana Department of Transportation (MDT) and will connect to the first subdivision access road. The Old Highway 10 bridge crossing the Clark Fork River is the responsibility of MDT. A 2700-foot section of Four Mile Road will be used to provide the secondary access to the proposed lot five.

Effect on Agriculture

The acreage has a forest overstory that has produced timber. The property has a medium density ponderosa pine overstory on the flat bench from the Southside Road to where the property slopes downward to the Clark Fork River. The property would again produce timber in the next 15 to 40 years on a more general commercial scale. Several acres of pastureland will be removed from production. Development of the property will have some effect on agricultural production as residential lots typically will not produce commercial volumes of wood products.

Effect on Local Services

The subdivision will receive law enforcement services from the Mineral County Sheriff's Department. An increase in demand on the Sheriff's Department will result from the additional residences. Mitigation measures have been proposed. The subdivision is located in the St. Regis Rural Fire District. The fire hall is located on Montana Highway 135 north of the Old Highway 10 intersection and would be approximately two miles from the subdivision to respond to fire suppression calls.

The nearest ambulance service is from the Town of Superior. Future lot owners would access health care from the Mineral Community Hospital or the Jack Lincoln Memorial Clinic in St. Regis. Children would attend school in the St. Regis School District and would need to be bussed. Rural mail delivery is available for residences on Old Highway 10.

The road construction plans and specifications must be submitted for review to the Mineral County Environmental Health and Planning Department. The name of the engineer that will certify that the proposed road has been constructed to Mineral County standards must be provided prior to site work on the proposed subdivision.

Subdivision road maintenance is typically provided by the lot owners within the subdivision. The application does not propose a homeowners association so road maintenance will need to be facilitated. The condition or mechanism for road maintenance should be stated on the plat.

The future lot owners should participate in improvements to Old Highway 10 and/or Four Mile Road in proportion to their impact on the sections of road utilized. Language such as "Acceptance of a deed for a lot within this subdivision shall constitute assent of the lot owner to waive the right of protest to a future Rural Special Improvement District/ Special Improvement District for improvements to Old Highway 10 and/or Four Mile Road, including, but not limited to, paving, bridge upgrade, the installation of drainage facilities, curbs and gutters, pedestrian walkways or bikeways, based on benefit; the waiver shall run with the land and shall be binding on the transferees, successors and assigns of the owners of the land," shall be printed on the plat.

The adjacent Nugget Campground is licensed for 65 recreational vehicle (RV) units with full services. The method of sewage treatment is a two-cell lagoon system with spray irrigation as noted on Certificate of Survey 585B. Easements for storm water runoff from the Nugget Campground property must be obtained if necessary. The 2.5-acre lots one, two and three will adjoin the Cougar Meadows II subdivision. The Cougar Meadows II subdivision has property line setbacks of 10 feet for construction.

Effect on the Natural Environment

The proposed lots do not appear to be subject to potential natural hazards such as rock slides or unstable landforms. No man-made hazards such as high voltage power lines or gas lines were noted. Several rock outcrops were noted on the steep slopes in the east portion of the property. An existing spring is located in the east area of proposed lot 5 that has been altered by the road construction. Presently the spring surfaces on the northeast side of the roadcut and flows across the road and infiltrates on proposed lot 5. Slopes of 25 percent or greater should be noted as no development or disturbance areas.

The proposed subdivision will have an access road constructed that is approximately 1,000 feet in length and meets subdivision standards. The access road will be located in the west portion of lots one and two with the cul-de-sac ending at a common point on lots three and four. A road easement may be noted on the final plat that would allow for the extension of the subdivision access road into proposed lot five. A road maintenance plan will be needed for the subdivision road that accesses proposed lots one through five.

Borrow material for the construction of road base may be from on-site locations. If the quantity of material will meet permit requirements from the Department of Environmental Quality, then the appropriate permit will be obtained. If a DEQ permit is not required, the area for the borrow material shall be reclaimed when road construction is completed.

The developers have drilled a well on the proposed lot five. The well depth was 282 feet, and a pump test indicates the well will produce an adequate quantity of water to meet shared water supply requirements. The proposed lots will require review for water supply, sewage disposal, storm water runoff and solid waste disposal. These items will be reviewed under contract by the Mineral County Environmental Health and Planning Department, and final review will be by the Department of Environmental Quality. Proposed wells should be located a minimum of 500 feet from the existing lagoon system located on the Nugget RV Campground Park.

Comments from area residents voiced their concerns regarding potential impacts on existing and proposed wells that are drilled into a shallower aquifer than the existing shared water supply well. The drilled well will withdraw water from a deeper aquifer that may be connected with the Clark Fork River aquifer. The proposal does not have surface irrigation. The water rights for surface water were not assigned for the property and therefore do not exist for transfer. Utilities should be placed underground where practicable.

The proposed subdivision had timber removal in the area of proposed lots one through four. The tree density was significantly reduced to meet wildland urban interface standards.

Effect on Wildlife and Wildlife Habitat

The proposed development has forested areas that range from moderate to steep slope. Large animals such as deer and elk utilize the area on a consistent basis. Bears use the area during grass green up and are attracted to garbage containers from existing residences. Mountain lions would frequent the area when the deer populations are high for the potential food source. The “living with wildlife” recommendations by the Montana Fish Wildlife and Parks (FWP) should be noted on the plat. Conflicts with large animals would be expected, such as with bears being attracted to garbage containers. Pets should be controlled, such as contained in fenced areas, to prevent impacts to wildlife. Fencing of exterior lot boundaries should be discouraged or allowed with fencing that would have the least impact on wildlife, as stated on the plat. Some area suitable for large animal cover will be lost.

Effect on Public Health and Safety

The proposed subdivision is accessed by Old Highway 10 for proposed lots one through four and Mill Creek Road for proposed lot five. Mineral County has a 60-foot easement for Four Mile Road. The proposed subdivision will have two ingress and egress points, one on Old Highway 10 and one on Mill Creek Road for lot five only. A road approach permit will be required from the Montana Department of Transportation for the Old Highway 10 access. A third access off of Four Mile Road in the southeast portion of the proposed lot five does not lie within the property boundary. Further development of the proposed lot five must address the road encroachment on Montana Department of Natural Resources (DNRC) lands.

Legal and Physical Access

The legal and physical access for the proposed tracts will be noted on the face of the plat as the dedicated road easements. Addresses must be assigned in accordance with the Mineral County addressing plan when driveways are staked. The proposed road name must be submitted to the Mineral County Environmental Health Department for approval. A sign with the subdivision name should be located at the entrance off of Old Highway 10.

Restrictive Covenants

Covenants have not been submitted for the proposed five-lot minor.

Parkland Dedication

The proposal is not subject to parkland requirements because of being five or fewer lots.

Taxes and Title Guarantee

All taxes assessed must be paid in full prior to filing of the final plat in accordance with MCA 76-3-611 (1b). The Mineral County Treasurer shall sign the plat verifying that the taxes have been paid.

The Mineral County Attorney must review and approve the title platting report (title guarantee). If any of the property has a mortgage or lien, a "consent to plat" form must be signed by the holders of said mortgage or lien and the "consent to plat" form must be filed with the final plat. The title platting report shall also be filed with the final plat.

Mineral County Weed Management Plan

A revegetation plan that addresses the disturbed areas for driveways and residential construction will be developed and submitted to the Mineral County Weed District for review. The revegetation plan will be submitted to the Mineral County planner for review prior to final plat approval. The approved plan will be filed along with the final plat (original document).

By Tim Read, R.S.