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Department of Health and Environmental Sciences  
STATE OF MONTANA HELENA, MONTANA 59601

July 15, 1976

John S. Anderson M.D.  
DIRECTOR  
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ACTING DIRECTOR

Re: Sun Prairie Village  
Cascade County

RECEIVED  
JUL 16 1976  
ENVIRONMENTAL QUALITY  
COUNCIL

Honorable Thomas Judge, Governor, State of Montana, Helena  
Citizens Advocate, Helena  
Environmental Quality Council, Helena  
Montana Fish and Game Department, Helena  
Department of Highways, Helena  
Department of Community Affairs, Division of Planning, Helena  
Department of Natural Resources and Conservation, Helena  
Department of State Lands, Helena  
Montana State Library, Helena  
Board of County Commissioners, Courthouse, Great Falls  
Cascade County Planning Board, Bill Monroe, Courthouse, Great Falls  
City-County Health Department, 1130 17th Avenue South, Great Falls  
Environmental Information Center, Box 12, Helena  
C. W. Gonder, 823 East Call Street, Livingston  
Mrs. Vel Jansen, 430 South Sixth, Livingston  
Mrs. Winifred Lucky, 420 South Sixth, Livingston  
Mary Lee Reese, League of Women Voters, 29 South Alta, Helena  
Tom Horobik, Pres., Montana Wilderness Assn., 4000 4th Ave. N., Great Falls  
Northern Rockies Action Group, #9 Placer Street, Helena  
Paul T. Richards, 1836 Floweree, Helena  
John Schillinger, Microbiology Department, Montana State University, Bozeman  
Concerned Citizens for a Quality Environment, c/o Ron Erickson, Chairman,  
University of Montana, Missoula  
Student Environmental Research Center, University of Montana, Room 212,  
Venture Center, Missoula  
John P. Duke, Assistant Vice President, Land Management, Burlington  
Northern, 650 Central Building, Seattle, Washington, 98104  
Herb Anderson, P. O. Box 42, Raynesford, MT 59469  
Mike Roach, Air Quality Bureau, Environmental Sciences Division  
Don Willems, Water Quality Bureau, Environmental Sciences Division  
State-Local Relations Project, Commission on Local Government,  
State Capitol, Helena  
J. Anne Skinner, Public Information Unit, DHES, Helena  
Rick Graetz, Box 894, Helena  
William Kessner, P. O. Box 2407, Great Falls  
Ralph Menasco, 1300 Marshall Lane, Helena  
Great Falls Tribune, Tribune Building, Great Falls

Gentlemen:

The enclosed draft environmental impact statement has been prepared for Sun Prairie Village in Cascade County. This impact statement is submitted

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Cascade County  
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for your consideration. Comments and questions will be accepted for 30 days following issuance of this statement at which time it will be assumed that the persons or agencies consulted have no comments to make. One extension of time not to exceed fifteen (15) days is available upon request. All comments should be sent to the undersigned.

Sincerely yours,



Edward W. Casne, Chief  
Subdivision Bureau  
Environmental Sciences Division  
Phone: 449-3946

EWC:TE:ti

Enclosure

cc: Ben Wake  
Tom Ellerhoff  
Terry Carmody

MONTANA STATE DEPARTMENT OF HEALTH  
AND  
ENVIRONMENTAL SCIENCES

July 15, 1976

DRAFT ENVIRONMENTAL IMPACT STATEMENT

Sun Prairie Village  
A Proposed Subdivision  
Cascade County

Pursuant to the Montana Environmental Policy Act, Section 69-6504, (b)(3), the act controlling both public and private water supply and sewage disposal for subdivisions, Section 69-5001; and the act to control water pollution, Section 69-4801, the following draft environmental impact statement (EIS) was prepared by the State Department of Health and Environmental Sciences, Environmental Sciences Division, concerning the request for administrative approval of SUN PRAIRIE VILLAGE, a proposed subdivision near Great Falls in Cascade County, Montana.

DESCRIPTION:

Sun Prairie Village is a proposed subdivision which will be situated in a previously undeveloped area about eight miles west of Great Falls, Montana (Sec. 28 and 29, T21N, R2E, PMM - see attached map #1).

The developer, William M. Kessner, proposes to subdivide 306 acres into ~~559~~ lots. The lots are designated according to use and include 25 commercial lots, 29 multi-family residential lots and 505 single family lots. The average lot will be approximately 11,000 square feet or a little more than a quarter of an acre.

The developer also proposes to set aside 26 acres for parks; 31 acres of common ground for parking and storage of recreational vehicles; 50 acres for streets, and will provide a complete water and sewage system, as well as asphalt surfaced roads.

Restrictive covenants aimed at defining and controlling various aspects of development have been drawn up by the developer.

The proposed subdivision is situated between two unincorporated towns, Vaughn and Manchester. Presently, there is no comprehensive plan or land-use controls for the area.

The plat for the development has been given final approval by Cascade County Commission. The commission based its approval on recommendations from the Cascade County Planning Board.

#### CURRENT CONDITIONS:

The land is being farmed and is adjacent to another subdivision, Sun Prairie Estates. Most of the land in the area is being used for agricultural purposes, but the advent of Sun Prairie Village probably will hasten the transformation of the land-use patterns from agrarian to suburban.

#### 1 Terrestrial and Aquatic Life and Habitats:

According to Department of Fish and Game officials, the proposed development ". . . will not measurably change wildlife values, as little wildlife habitat presently exists."

The site has been used for dry land wheat farming and is adjacent to a growing suburban area. Presently the fauna consists predominantly of small, non-game animals and song birds.

Fish and Game officials did caution that runoff from lawns and barrow pits should be properly controlled so that nutrients rich waters do not reach the Sun River.

#### 2-Water Quality, Qunatity and Distribution and Sewage Disposal

Storm water draining from the proposed development enters the Sun River from two streams. However, Menasco believes that most of the time the water will percolate into the soil prior to reaching the river. One of the drainages collects water from the eastern two-thirds of the development and drains into the Sun River a mile southeast of the subdivision. The remainder of the land is part of the Muddy Creek drainage which flows into the Sun River near Vaughn, about a mile and half west of Sun Prairie Village.

It is uncertain what, if any, impact nutrient rich water from sources such as lawns will have on the Sun River. Initially surface water draining from the subdivision will follow natural waterways, however if it is determined the water is significantly adding to the nutrient levels of the Sun River, an abatement plan will be required.

Potable water for the development will be obtained from wells which have been drilled about three-fourths of a mile southeast of the subdivision near the Sun River. According to the developer, there are a total of six wells, but only five will be used at a time. The sixth well will be available for emergency use.

The wells are 190 feet deep and are each capable of producing 150 gallons per minute (gpm).

Geologically, the wells penetrate basal sediments of the Wisconsin Age, deposited by the glacial Lake Great Falls. The aquifer is 5 to 10 feet thick, and is approximately 180 feet below the surface. It is artesian and composed of medium to fine sandy clays. A thick layer of glacio-lacustrine silts and clays are above the aquifer, and are generally impermeable to ground-water movement.

Joe Armstrong, consulting geologist for the project, tested the pumping capacity of one of the wells last February. The test well averaged 260 gpm for 1,400 minutes. Observers checked nearby wells on an hourly basis to determine if there was a significant fluctuation in the static water level.

Steve White, geologist for the Water Rights Bureau, Department of Natural Resources and Conservation, reviewed Armstrong's work and concluded:

"The drawdown effect to the surrounding wells is minimal, due to the proximity of the Sun River. The applicant's proposed pumping schedule does not involve the extended pumping time. . . . The reason for 5 wells (150 gpm each) was for minimal drawdown effect, as well as allowing for pump repair without total pumping termination. The well orientation design appears well planned and quite efficient according to Armstrong's pump test. The validity of the calculations of this report are dependent upon Armstrong's pump test data.

"Because of the expected performance theorized by this report, there should be minimal, if any, effect on surrounding well owners. Therefore, it is recommended that notice procedures be waived on this application."

Water from the wells will be pumped along a 30 foot wide corridor to a 400,000 gallon enclosed reservoir, where it will be chlorinated and held for distribution to homes.

The water system will be administered and maintained by the Montana Pump Inc., at the beginning of development. When the subdivision is completed, a Cascade County water district will be formed and will hire a certified operator for both water and sewerage. A monthly fee from lot owners will be deposited in a Great Falls bank for operation and maintenance.

Sewage from the development will be treated and disposed of by means of a spray irrigation system. The system will have two lagoon cells. The first will be 0.57 acres and be fully aerated. The second sell will be 6.25 acres and store the treated sewage until it is used for irrigation purposes.

The lagoons are within the 100 year flood plain. The ground elevation at the lagoon site is 3,344 feet above mean sea level. The elevation of

the top of the dikes is 3,353 feet above mean sea level. This means that the dikes are well above a potential 100-year flood.

The Department of Health and Environmental Sciences has concluded that approximately 80 acres would be necessary to dispose of the secondary treated sewage from the second cell of the Sun Prairie Village sewage disposal system. This is using the 100 gallons of sewage per capita per day figure. Figures used for consumptive use, effective precipitation and efficiency rate are taken from U.S. Department of Agriculture data for sprinkler irrigation of grass forage crops on Marias clay soil in the climatic area of Great Falls.

Sewage flow:

Maximum sewage flow based on 100 gallons per capita per day . . . . .	8,700,000 cu.ft.
Loss from aerated 0.57 acre lagoon based on 88 inches net evaporation . . . . .	- 200,000 cu.ft.
Loss from 6.25 semi-aerated lagoon based on 44 inches net evaporation . . . . .	- <u>1,000,000 cu.ft.</u>
Maximum sewage flow to sprinkler heads . . . . .	7,500,000 cu.ft.

Therefore, at full development with maximum sewage flow there would be a maximum of 7,500,000 cubic feet of treated sewage available at the sprinkler heads.

Consumptive use, often called evapotranspiration, is the amount of water used by the vegetative growth of a given area in transpiration and building of plant tissues and that evaporated from adjacent soil or intercepted precipitation on the plant foliage in any specified time. The U.S. Department of Agriculture (USDA) calculates the consumptive use for sprinkler irrigation of grass forage on Marias clay soil in the area of Great Falls to be 23.8 inches per irrigation season.

Effective precipitation is precipitation falling during the growing period of the crop that is available to meet the consumptive water requirements of the crop. It does not include precipitation such as that lost to deep percolation below the root zone or to surface runoff. The USDA calculates the effective precipitation for the raising of grass forage on Marias clay in the Great Falls area is 6.9 inches.

The efficiency rate is the amount of irrigation water applied less than that lost through evaporation of irrigation spray and deep percolation. The USDA calculates the efficiency rate for sprinkler irrigation of grass forage on Marias clay soil in the Great Falls area to be between 70 and 75 percent.

Irrigation Requirement:

Consumptive Use. . . . .	23.8 in.
Effective Precipitation. . . . .	-6.9 in.
	<u>16.9 in.</u>
Efficiency Rate 70 %	5.1 in.
Irrigation Requirement	<u>22.0 in.</u>

Since irrigation is not an exact science such as mathematics, it may be agreed that the soil may be capable of accomodating another 5 inches of moisture. Therefore, 27 inches would be considered the maximum irrigation requirement for a total yearly irrigation of 3,900,000 cubic feet of water.

At maximum flow this would leave an additional 3,600,000 cubic feet of water available for irrigation purposes. At the application rate of 27 inches annually, an additional 37.5 acres would be required for disposal of this 3,600,000 cubic feet of water. This results in a total of 77.5 acres needed for the total project under maximum flow and maximum irrigation requirement conditions. Because of the rectangular coordinate survey used in Montana, 80 acres would be a more practical figure than 77.5 acres.

One problem that must be considered is that of increasing salinity in irrigation projects. There are many examples that illustrate over irrigation and poor drainage has led to a salinity problem which greatly restricts plant growth. Water movement through these heavy clay soils is slow. The success of this project depends on achieving a dense forage cover in order to achieve maximum infiltration.

It should be noted that the department does not expect a complete irrigation system be installed at any specified date. The initial installation will irrigate approximately 40 acres and additional irrigation equipment should be put into operation as the need arises. If maximum flows are never realized the entire area may never come under irrigation. However, the department must be assured that sufficient land is available in the event that maximum flows should be realized.

It should also be noted that the department does not expect an inflexible irriation plan to be submitted. The general plan is one of several workable plans.

The presented plan:

A 25H.P. motor will drive a Berkley B-3 pump deliver 450 GPM at 45 P.S.I. with 6" suction and 6" discharge. The 6" discharge will drive a Moco-Matic pivot. The center pivot would deliver an application rate of 2" per week for 30 weeks at maximum sewage flow.

Depending on availability of water and seasonal climatic variations it may be more practical to use a 10 day irrigation, 21 day grazing cycle or turn to a 14 day irrigation cycle. In other words, experience and current conditions will dictate the exact management practices of any irrigation season.

The crop chosen for the irrigated area is Repac Brome. It is a cool season perennial that forms a dense cover. Its primary advantage is that regrowth is vigorous after mowing or grazing.

Irrigation water will be pumped from the second cell of the lagoon system through a six inch line to the sprinklers in the field.

Spray irrigation on the proposed site should not have any significant impact on the magnitude or direction of the groundwater flow.

### 3-Geology and Soil Quality, Stability and Moisture:

The geology in the area of the proposed project consists of Glacial Great Falls Lake bed deposits of the Wisconsin Age, underlain by the Colorado shale of the Cretaceous Age. These deposits are Sun River Valley fill that ranges from silty sands to silts and clays that are more than 180 feet thick. No known geologic hazards are present in the area.

The soils in the area are classified by the U.S. Department of Agriculture's (USDA) Soil Conservation Service as the Marias-Kobar-Arbo Association. These are typically clays and silty clays (USDA Classification), CL (Unified Classification) or A-7 (American Association of State Highway Officials Classification). The Marias is the predominant soil in the project area.

Ninety to 95 percent of this soil will pass through a No. 200 sieve indicating a very fine texture. This means when the soil is wet it will be relatively impervious when compacted and result in a slow degree of permeability. The plasticity index ranges near 30, indicating a high shrink-swell potential. This soil will develop large cracks when dry, enabling it to accept irrigation water.

The soil must be subjected to periods of non-irrigation to allow the profile to dry out because the wet soil has an extremely low infiltration rate.

Due to the high shrink-swell factor and moderate frost action, this soil should not be used for surfacing materials. There is also a high potential for corrosion of untreated steel and a moderate potential for corrosion of concrete. This should be taken into consideration in the construction phase of the project.

This should be a satisfactory site for a sewage lagoon due to the very slow permeability of the soil. However, surface drainage must be carefully designed as potential problems could result from improper drainage plans.

The percentage of exchangeable sodium can range up to 15 percent in some profiles. If this high sodium is found near the surface an alkali soil develops. If the exchangeable sodium is present in such amounts that it is free to hydrolyze, the humus in the surface soil may become dispersed, resulting in a discolored surface. This is termed black alkali and this soil has poor physical characteristics. An area of this type of soil is reported to be found in the southeast part of the project area.

#### 4-Vegetation:

Cascade County Extension Agent Bill Morris said, the native vegetation in the area is typical of a prairie ecosystem. The predominate vegetation is grasses. Morris said the types of grasses found in prairie country includes: blue gramma, green needle, prairie, fescues and wheat grasses.

There are few deciduous plants in the area. The deciduous plants which are present are generally found in stream and river bottoms.

Much of the land adjacent to, and including, the development is being used as crop land. The two major crops are wheat and barley.

Native grasses are limited to untilled areas along road and railroad right-of-ways, bottom lands and to some extent, pastures.

Although there are no provisions in the restrictive covenants directing lot owners to sod or seed their lawns, it is presumed that most persons will. Thus, native grasses will be replaced by turf grasses.

The replacing of one family of grasses with another should not pose a major impact.

#### 5-Aesthetics:

The proposed site is situated in the Sun River Valley. The topography ascends from flat land adjacent to the Sun River, to gently rolling ground, to rolling hills. Sun Prairie Village is in a transition zone between bottom land and gently rolling ground.

Prior to man's influence, the landscape consisted of vast rolling grass covered plains, with few trees, except in river and stream bottoms where cottonwood, willow and deciduous shrubs grow.

Man's influence has radically changed the natural landscape. Just north of the proposed subdivision are railroad tracks owned by the Burlington Northern and Interstate Highway 15; two miles west is the town of Vaughn; south is a subdivision, and two miles east is the community of Manchester.

From the aesthetic point of view, it is difficult to alter prairie without changing the visual qualities of the landscape. Man's influence on the land surrounding Sun Prairie Village is highly evident.

The proposed development will further alter the aesthetic quality of the land. However, instead of being the first step in changing the nature of the land it is part of a movement which has already begun.

Prior to the proposed development, subdivision activity was limited to small tract developments. Sun Prairie Village will be a high-density development, thus accelerating the transition from a rural, agricultural area to a suburban area.

To many persons, a high-density development in plains country is not aesthetically pleasing, however, the developer will take steps to soften the impact. He has agreed to provide each lot owner with a tree, included parks in the design plan and has drawn up restrictive covenants which, if enforced, should regulate development.

#### 6-Air Quality:

Once the proposed development is completed there should be no significant impact on air quality. Ralph Menasco, a consulting engineer for the proposed development, said the streets will be surfaced with asphalt, thus eliminating blowing dust from unpaved roads.

However, the existing gravel county road running through the subdivision will not be resurfaced.

According to the National Weather Service's annual summary of climatological data, ventilation is considered good in the area and visibility is normally excellent.

The average windspeed is relatively high, but extremely strong winds -- more than 70 miles per hour -- are seldom observed, according to the weather bureau report.

Since the wind velocity is relatively high, Menasco was asked if dust generated by the construction of roads and major facilities would be controlled. He said a water truck will be used to moisten dry soil in construction areas.

7-Unique, Endangered, Fragile or Limited Environmental Resources:

The proposed development will not impact any known unique, endangered, fragile or limited environmental resources.

8-Historical and Archaeological Sites:

A review of the Montana Historic Preservation Plan revealed there were no historical sites situated near the proposed development.

The preservation plan noted that there were eight archaeological sites scattered throughout Cascade County, but didn't identify the locations.

Due to the delicate nature of most archaeological sites, information concerning the location of sites in Montana is maintained and supervised by the Department of Anthropology, University of Montana (UM).

Professor Dee Taylor, UM Anthropology Department, checked the location of the eight sites to determine if any were in or near the proposed subdivision. His investigation revealed that there were no known archaeological sites in the immediate area, but he added that ". . . our lack of data reflects the fact that an archaeological reconnaissance has not yet been conducted in the area of the proposed Sun Prairie Village Subdivision."

"I would suggest that you consider having a professional archaeological survey conducted in that area prior to any modifications of the land surface. Potentially there could be very significant prehistoric sites in the Vaughn area," he said.

9-Demands on Environmental Resources of Land, Water, Air and Energy:

The proposed subdivision will place a variety of demands on land, water and energy resources. Air quality may be effected during the construction phase, but will not be significantly impacted after the development is completed.

Although the proposed subdivision will not withdraw a substantial amount of land from agricultural production (306 acres), it could prove to be the impetus for spin-off development.

Since there is no comprehensive plan or zoning for the area, the likelihood of uncontrolled growth seems to be a genuine possibility.

The end products of uncontrolled growth--in terms of land--can be further reduction of agricultural land, high property taxes, "strip-type" developments, etc.

Demands may be placed on water quality if nutrient rich water from lawns and barrow pits reach the Sun River.

According to Menasco, a consulting engineer for the developer, surface water will drain via natural waterways. Menasco believes that most runoff will percolate into the soil before reaching the river.

The Department of Fish and Game expressed concern that if these waters are not properly controlled it could add significantly to the nutrient level in Sun River.

The energy demands for the proposed development will be diverse. The development will use large amounts of natural gas and electricity for heating and lighting, but the greatest demand will be placed on gasoline.

At full development, the Department of Highways estimates residents will make from 3,745 to 5,350 trips a day to and from the proposed subdivision. If half of the trips are to and from Great Falls, gasoline consumption will amount to several thousand gallons of gasoline a day.

Although all three forms of energy are available today, future supplies are uncertain. Not long ago Canadian petroleum and natural gas were inexpensive and abundant. However, the situation has changed drastically and the importation of both have diminished, and will probably continue to do so.

#### 10 and 11-Social Structure and Mores and Cultural Uniqueness and Diversity:

In terms of social structures, there are two distinct social groups living in the area. One group is the traditional agrarian society and the other is a relatively new group of persons who have left suburban life in favor of living on small acreages.

Persons in the agrarian community embrace many of the traditional values of country living--close neighborly ties, concern for the character of the land and a sense of community pride. They derive their income from farming or ranching and trade in Vaughn and Great Falls.

The second group of persons is typified by the people who have purchased lots and built homes in the Sun Prairie Estates Subdivision, south of Sun Prairie Village. The majority of these persons probably work in Great Falls and are likely to be white collar managerial and professional people. In essence, they are looking for the best of two worlds, the good paying jobs and advantages of doing business in a city and the tranquility of country living.

Presumably families living in Sun Prairie Estates earn above average incomes, because the cost of buying several acres of land and building a home requires a fair amount of capital.

Quite likely there isn't a great deal of interaction between the two groups. Interests are diverse and life styles, dictated principally by sources of income, tend to separate the two. Thus, even though there probably isn't any ill feelings between the groups, there probably is a feeling of indifference.

Sun Prairie Village will introduce a third group of persons to the social structure. The proposed development will be much more densely populated than Sun Prairie Estates. It will be aimed more at mobile homes rather than permanent frame homes, have smaller lots and be more in the price range of families earning average incomes.

It's likely that many of the residents will be young, married blue collar workers, who will have one or two children.

It has been stated by local planners and the developer that housing in Great Falls is scarce and that moderate income families need facilities such as those offered by Sun Prairie Village.

The social impact of the proposed development will be significant. It will probably turn the tide in terms of transforming the area from an agrarian to a suburban society.

It might not be well received by persons in the agricultural community who have grown up knowing their neighbors, and who will now probably know only a fraction of the persons living in the area.

Neither will it be accepted or appreciated by the persons who left city life for a small place in the country. These people may be confronted with some of the same situations which prompted them to leave suburban Great Falls.

In terms of cultural ties, the persons in the second group will probably be more closely aligned with the families living in Sun Prairie Village. Both depend on jobs in the city and are more attuned to city life. It could be that a full development, many of the goods and services these people depend on from businesses in Great Falls will be available near the developments or in Vaughn.

The advent of large scale social and cultural change will probably most seriously effect the agrarian society, which will see its traditional way of life radically changed.

However, the only publicly voiced objection to the proposed development has come from persons living in Sun Prairie Estates, and apparently this objection has not been organized to the point of attempting to block the proposed development.

#### 12-Access to and Quality of Recreational and Wilderness Activities:

Within a 50 mile radius of the proposed subdivision there exists a wide range of outdoor activities. These activities include big and small game hunting, fishing, boating, hiking, camping, downhill and nordic skiing, etc.

In Great Falls there are golf courses, tennis courts, swimming pools and a number of other public and private recreational facilities.

However, there are few recreational possibilities within the immediate area of the proposed subdivision. The development does have 26 acres set aside for park space, but it will be up to the homeowners association to develop the parks.

The fact that there are no sidewalks means that children will have to ride bicycles, tricycles and other play equipment in either driveways or the street. Children playing in streets will create hazardous traffic situations.

Common storage areas will be provided for adult recreational equipment and restrictive covenants dictate how equipment will be stored on private property.

### 13-Local and State Tax Base and Tax Revenues:

Taxes for state and county purposes rose slightly in Cascade County from 1970 to 1974, according to statistics from the Montana Department of Revenue.

Taxes levied for state purposes increased from \$651,685 in 1970 to \$789,296 in 1974, while taxes levied for county purposes increased slightly from \$3,455,464 in 1970 to \$3,805,943 in 1974.

State property taxes jumped appreciably in a five year period, from fiscal year 1970 to 1975. Property taxes in 1975 totaled \$19,211,762 compared to \$15,531,757 in 1970. The area which realized the greatest increase was public school taxes which rose from \$7,910,289 in fiscal year 1970 to \$10,218,161 in fiscal 1975.

There were questions in the minds of some persons whether the taxes generated by the proposed subdivision will be sufficient to pay for the government services which will be required to meet the needs of persons living in Sun Prairie Village at full development.

The Cascade County Planning Board staff report and Dave Cole, associate planner for the Division of Planning, Department of Community Affairs (DCA), discussed some of the future pitfalls which may occur.

The county staff report said:

". . . Because of the present use of the land, property values in the Sun River Vally are reasonable (somewhere in the neighborhood of \$20-30 a frontage foot on residential properties). This development would tend to raise these property values in the areas adjacent to the subdivision. The applicant is proposing to sell his lots for an average of \$7,000 each, which would be approximately \$93.33

per frontage foot. The State Department of Revenue estimates the taxes on the land would be approximately \$108,355.67, and the improvements on all the properties worth an average of \$30,000 per parcel. The taxes would be approximately \$464,383.67. The total tax revenues generated by this subdivision when full would be approximately \$572,739.34 per year. On the other hand, there will be certain tax liabilities. For example, in School District #1, it costs \$1,001.60 to educate one elementary student. It also costs \$1,206.20 to educate one high school student (figures for fiscal year 1974-75). This includes debt service and capital out-lay. If there is an average of two (2) students per household, when the development is full, it will cost approximately \$1,234,160.20 (annually) to educate these children in Sun Prairie Village. There will also be added expenditures for police and fire protection and other public services, which are normally provided.

"The above costs for education, fire and police protection will, in main, be shifting from one part of the county to the other, as the residents from Great Falls, and other communities move to Sun Prairie Village. However, there will be a disparity of over \$600,000.00 in taxes generated to costs incurred for only education. The above costs are approximate figures. The costs for education, fire and police protection will be roughly the same countywide. The above figures were obtained from the Montana Department of Revenue. . . ."

In a letter to Marcia Staigmiller, Cascade County Planning Board, Cole discussed the tax status of mobile homes:

". . . We believe the planning staff should further research the implications for tax revenue from the development. The taxation of mobile homes is apparently much more complex than suggested by the information contained in the assessment. If the mobile homes is taxed as personal property the revenue goes to the county general fund and is not available to taxing authorities such as the local fire district. Only when a mobile home unit is placed on a permanent foundation does the value remain stable or appreciate over time. The unit is then taxed in the same class as a modular home which may appreciate in value. This means that if a large proportion of the lot owners do not place their mobile homes on permanent foundations that the tax revenues from the subdivision may actually decrease as the cost of services (police, fire protection, schools) increase. . . ."

According to the developer there are no provisions in the restrictive covenants which require mobile homes to be placed on permanent foundations.

When asked about the possibility of having decreasing tax revenues and increasing costs for services, County Commission Chairman Edward Shubat

noted that such a situation currently exists in the county. Referring to Sun Prairie Village, Shubat felt the development wouldn't require a substantial increase in county services and that the taxes generated by the development would cover the costs.

#### 14-Agricultural or Industrial Production:

The proposed subdivision will remove 306 acres of dry farm land from agricultural production. In terms of reducing the agricultural land base it will not be a significant reduction, particularly since not all of the acreage is farmable.

The land has been described as "marginal" crop land, but according to average yield figures, the land would more likely be termed average crop land.

According to the Agricultural Stabilization and Conservation Service (ASCS) office in Great Falls, the yield averages for the 1,066 acres, in which the 306 acre tract is included, were 28 bushels per acre (bu/acre) for wheat and 39 bu/acre for barley. This was an established five year average, according to ASCS officials.

Cascade County Extension Agent Joe Morris said, yields for wheat and barley crops in the Great Falls area average from 27-30 bu/acre. Good yields average around 50 bu/acre and marginal yields, around 10-15 bu/acre, he added.

While portions of the proposed development produce crops, some areas are unfarmable due to high concentrations of black alkaline. These areas have been left untilled.

Most of the proposed development lies in the area which is now being farmed. The portion which contains high concentrations of alkaline is in an area set aside for the sewage lagoon and a park.

#### 15-Human Health:

There should be no adverse impact on human health if the developer complies with all ordinances, resolutions and state laws.

A variety of emergency medical services are available in Great Falls. According to the developer, Bicsak & Sons Ambulance Service is within six miles of the proposed subdivision, hospital facilities, eight miles away and medical and dental clinic services within eight miles.

Plans for handling solid waste disposal have been formulated by the developer and reviewed by the City-County Health Department.

Sam Kalafat environmental health director for the City-County Health Department said, since the subdivision will be within the confines of

the Cascade County Solid Waste Disposal District, participation and assessment in the disposal program will be mandatory. He added that residents will be allowed to use the facilities of the district without charge. The closest sanitary landfill to the proposed development is near Vaughn, Kalafat said.

The developer said the provisions of the protective covenants provides that the homeowner's association may levy assessments to pay for garbage collection by a private collector. There will be house to house pickup once a week by F.L. Green Sewage Disposal, he said.

The restrictive covenants state that no lot within the proposed subdivision will be used as a dumping ground for rubbish. Waste will be kept in sanitary containers and no container will be stored in front of the lot except on the day of garbage collection.

#### 16-Quantity and Distribution of Community and Personal Income:

It is difficult to accurately reflect the status of community and personal income because much of the information is directly related to U.S. Census information. Thus, most figures have not been updated since 1970, and a considerable number of economic changes have occurred since then. However, using information provided by the U.S. Bureau of Economic Analysis, the Division of Research and Information Systems, DCA, has compiled personal income and earning statistics for the late 1960's and early 1970's.

Personal income for persons in Cascade County from 1968 to 1972 was derived mainly from wages and salaries. That category was responsible for 68.5 percent of the total personal income in 1972. It was followed by money from property income and proprietors income.

In terms of total earnings, non-farm earnings in 1972 accounted for 94.9 percent of the total, while farm earnings made up the remaining 5.1 percent.

Of the non-farm earnings, 61.2 percent was paid by the private sector of the economy and 33.7 percent by local, state and federal governments. The top three salary sources in the private sector were wholesale and retail trade, services and manufacturing.

In terms of dollars, total non-farm earnings in 1972 totaled \$277 million in Cascade County, as opposed to \$206 million in 1968.

Based on U.S. Census Bureau figures family income increased appreciably from 1959 to 1969. In 1969 the median family income was \$8,952, up 48.4 percent from the 1959 median of \$6,032.

Based on median family income figures for the past 26 years it seems safe to assume the median income has increased since 1969. Some of the

factors for the increases in the past two decades include: inflation, more women participating in the workforce and generally high salaries.

#### 17-Transportation Networks and Traffic Flows:

Much of the traffic from the proposed subdivision will travel to and from Great Falls. The present highway network should be able to handle the increase in traffic.

The frontage road which residents will use to travel east to Great Falls, or West to Vaughn, was formerly State of Montana Route 91. Interstate Highway 15 parallels the frontage road. Persons living in the proposed development will be able to enter the interstate highway at either the Vaughn interchange to the west or the Manchester interchange, east of the subdivision. Drivers also can reach Great Falls by staying on the frontage road.

Presently the only access road to the subdivision is a county road which runs through the property to the Sun Prairie Estates development. It is a dirt road with a gravel surface.

According to development plans, two roads will provide access to the frontage road. One is the existing county road, at the west end of the subdivision, and the other will be at the east end of the development. All the roads in the subdivision, except the present county road, will be surfaced. Streets will have a right-of-way of 60 feet and a minimum street width of 37 feet from curb to curb. There will be no street lights or sidewalks.

When the County Planning Board reviewed the plans it made three recommendations concerning the road system. They were:

1. The developer provide a flashing light and ringing bell at the Burlington Northern (BN) tract crossing on Cleveland Avenue (the eastern access road).
2. Recommend to the State Highway Department that speed and left turn lanes be built along the frontage road at both entrances to the subdivision.
3. The main service roads, the frontage road and county road, be bounded through the subdivision with a one-foot barrier strip, forcing lots abutting these roads to use the interior street system.

Concerning the first recommendation, the developer agreed to provide a light and bell at the east entrance, however neither developer, county, state nor BN claimed responsibility for placing a light and bell at the west entrance. According to the BN, the track carries an average of three trains a day.

After reviewing the proposed plans, Ed Miller, Chief of the Engineering Bureau, Highway Traffic Safety Division, (DCA), said there were a number of reasons traffic devices should be placed at the west entrance. He noted that:

1. The road will not only carry traffic from the western half of the subdivision, but also will carry traffic from Sun Prairie Estates.
2. The approach from the south will be dangerous because buildings or storage areas in the business district could screen vision to the west, and homes on the right side of the road could block vision to the east. The area design immediately adjacent to the county road as it approaches the tracks should assure proper sight distance based on the speed of trains, etc.
3. Each day there will be a number of school buses entering and leaving the subdivision. There must be sufficient room for a bus to stop on the county road before turning onto the frontage road without blocking the tracks.

Additionally, Miller suggested that the entrance to the existing county road be built perpendicular to the frontage road. This would reduce the sharp turning angle for cars entering or leaving the subdivision.

L.S. "Buck" Harris, supervisor of the Project Planning Section, Department of Highways, explained that since no one was obligated to place a light at the BN crossing, it would probably be included in the state's list for off system funds for railroad crossings.

Off system funds consist of federal money which can be used to signal dangerous county road-railroad crossings. All such crossings are inspected by state officials, who in turn give each crossing a priority rating. As traffic increases at a crossing, the priority increases. Thus, a signal will not be put at the west entrance crossing until the volume of traffic warrants it.

Regarding the second recommendation, the developer and county believe the Department of Highways is responsible for installing speed and turning lanes outside each entrance to the frontage road, but the Department of Highways contends it is the developer's responsibility.

In a letter to the County Planning Board, Homer Wheeler, assistant administrator of the Engineer Division, Department of Highways, said:

". . . A review of the expected traffic generation from the 535 units planned would indicate from 3,745 to 5,350 estimated trips a day to and from the proposed subdivision. These trips would enter the south frontage road from the existing county road, going through the subdivision, between the Manchester and Vaughn Interchanges.

The existing traffic on this stretch of road is about 650 average daily traffic (ADT). With the high volume introduced at this location we would recommend widening the frontage road to accomodate either a left-turn bay or by-pass lanes. . . ."

Later, Wheeler explained that traditionally developers pay for highway improvements because the developments are the sources of the increased traffic.

Miller felt the turning bays should be provided, particularly due to the anticipated high volume of turning traffic and the fact that traffic on the frontage road would be traveling at high rates of speed. To avoid accidents during peak traffic hours, the turning lanes should be adequate to accomodate the anticipated left turning traffic, he added.

The third recommendation will not be necessary because the ditches on either side of the county road are too deep for vehicles to cross, the developer said. The recommendation was aimed at preventing persons from direct access to the county road from private property.

Although the streets in the subdivision were not discussed in the County Planning Board's staff report, state officials expressed concern about the narrow width.

The developer's consulting engineer, Ralph Menasco said the streets were designed using the standard street design for residential streets in Great Falls. The 37 foot streets include two, eight foot parking lanes, and two, 10 foot driving lanes.

Since there are no restrictions concerning off-street parking, automobiles can be parked on both sides of the street. Large vehicles, such as school buses and garbage trucks may pose problems in areas where cars are parked on both sides of the street. Additionally, since there are no sidewalks, bicycle traffic must also be considered.

During heavy traffic hours drivers using main thoroughfares may find themselves in traffic jams.

Dave Cole, DCA, commented on one of the main streets in a letter to the chairman of the Cascade County Planning Board.

". . . We are concerned about the design for Cleveland Drive (the east entrance) because this street must serve both the functions of a collector and a local access street. The large number of lots which have direct access to this street will increase traffic hazards and the street's layout encourages a large amount of through traffic across this portion of the subdivision. . . ."

#### 18-Quantity and Distribution of Employment:

The developer and members of the county planning board believe that Sun Prairie Village will help alleviate the demand for moderately priced housing in the Great Falls area. Thus, it will effect employment by providing employed persons with a place to live.

When the subdivision is fully developed it will probably stimulate local employment, particularly in businesses which sell goods and services.

The developer anticipates that local businesses will be needed and has set aside several blocks of lots in the northwest corner of the development for commercial development. But it is unlikely that new businesses will be confined to that specific area. Quite likely growth will occur in Vaughn and possibly along the highway leading to the development.

Local and state planners are concerned that if commercial businesses are left to grow in an uncontrolled fashion it will evolve into a "strip-type" development. This could precipitate such problems as uncontrolled access to the frontage road, hastily planned establishments, etc.

It is difficult to speculate how rapidly commercial growth will occur, but since the proposed development will be the size of many small towns in Montana, it is logical to assume the development will require all the logistical needs of a town.

In terms of government employment, the proposed subdivision could result in an increase in employment to meet such services as school busing, education, law enforcement, road maintenance, etc.

Another consideration in the area of employment will be the availability of local day care centers for preschool youngsters. According to a Department of Community Affairs county profile for Cascade County, about 20 percent of the women in Cascade County were employed in 1970. This figure has probably increased since then.

The proposed development is expected to have a high ratio of children per occupancy, and if both parents work, there will be a need for day care centers.

#### 19-Distribution and Density of Population and Housing:

The developer and state and local planners agree that there is a need for the type of housing proposed for Sun Prairie Village.

The county staff report said,

". . . There is an obvious demonstrated need for housing in the Great Falls area. Mr. Kessner feels (and the staff concurs) that there is an extremely tight housing market within the community.

The proposed subdivision, by facilitating a population shift from the city of Great Falls and surrounding areas to the proposed site, would open up housing options both in the Sun River and Great Falls areas. . . ."

According to estimates from the city-county planning staff, the estimated population in the city of Great Falls was 65,409 January 1, 1976, and the estimated number of occupied dwelling units was 22,633. The total population for Cascade County was 84,468, July 1, 1975.

The city-county planning staff estimates that by 1980 the population of the Great Falls metropolitan area will be 79,956 persons and in 1985, 84,035 persons.

City-County Planning Director John Richards said, he's heard that mobile home housing in Great Falls is "very tight," and in some cases people are on waiting lists to rent lots. Conventional housing is also much in demand, he added.

As a response to the need for mobile home sites another subdivision is being reviewed. The City-County Planning Board has given preliminary plat approval to the Countryside Village mobile home court, situated on the northern edge of Great Falls. The development has 222 rental units and will be serviced by city sewer and water.

#### 20-Demands for Government Services:

County government and school officials generally don't believe Sun Prairie Village will result in an undue strain on existing public services.

Cascade County Commission Chairman Edward Shubat thought road maintenance would be the only service effected by the subdivision. And, since all the roads in the subdivision will be paved, except for the county road which runs through the western part of the development, he didn't think maintenance would pose a serious problem.

In the area of law enforcement, Cascade County Sheriff John Krsul said his office would have ". . . no trouble. . ." handling the population increase generated by the development. He noted that he has two deputies who already live in the area.

The Cascade County Sheriff's Office has 30 full time employees, including Sheriff Krsul, an undersheriff, chief deputy, senior captain, two captains, four sergeants and 20 deputies. Additionally, there are four special part-time deputies.

The city-county planning staff estimated the county population was 19,059, July 1, 1975.

According to the information from the State Department of Justice's Planning Bureau, the recommended national ratio of law enforcement officers to population is two officers per 1,000 persons. However, the average in Montana runs around 1.46 officers per 1,000 persons. Thus, using Montana standards, the ratio of law enforcement personnel to citizens is close to the state average.

If, hypothetically, 2,000 people are added to the office's area of responsibility, it could warrant hiring several more deputies.

Initially, fire protection for the subdivision will be handled by the Vaughn (volunteer) Fire Department. According to the developer, an acre of ground adjacent to the water storage area has been set aside for a fire station and fire hydrants will be installed throughout the development. The subdivision will depend on fire protection from the Vaughn Fire Department until there are enough people to form a separate fire district.

County Fire Marshal Mike Funiak said, the most difficult part of forming a new fire district will be finding a way to finance the cost of a fire truck. Presently the Cascade County Rural Fire Council receives an allocation of \$15,000 a year from the county which must be distributed evenly among 12 fire departments, he said.

The departments have a total of 45 trucks which must be maintained, and individually, raise about \$1,000 a year for keeping their stations and trucks up-to-date and in working order, Funiak said.

The impact on schools is difficult to determine since it's hard to predict how many children there will be when the subdivision is fully developed. The developer estimates there will be from 300 to 500 school aged children, while others estimate there will be in excess of 1,000 students.

However, Dr. Harold Wenaas, superintendent of School District No. 1, believes the present school system could manage an increase of more than 1,000 pupils. Current enrollment in the district is around 17,100 students and the system is capable of handling up to 20,000 students, he said.

Concerning the predicted increase, Dr. Wenaas feels many of the students may be youngsters who will move from one residential location in the school district to another. If this is the case, there wouldn't be an actual increase in enrollment, but there would be an increase in bussing costs for those students who previously hadn't ridden busses.

Students in Sun Prairie Village will be bussed, which, according to the State Superintendent of Public Instruction's Office, would require from 15 to 17 additional buses. Dr. Wenaas said the district contracts its bussing and that a substantial increase, if determined far enough in

advance, could be managed. He added that if the growth is not substantial, it's possible it could be handled by increasing the number of bus runs.

The superintendent said more teachers will have to be hired, but, again, if the increase can be anticipated far enough in advance, it shouldn't pose a major problem.

The number of new teachers will depend on the number of students, and generally the teacher-student ratio is four teachers per 100 pupils, he said. Thus, if there were 1,000 new students the district would need 40 additional teachers. If the figure is less, the ratio will be scaled down proportionally.

District No. 1 schools nearest the proposed development include: Elementary schools - Franklin, six miles; Skyline, seven miles; Sacajewa, seven miles, and Riverview, seven miles; junior high schools - Westside Junior High, six miles, and North Junior High, seven miles; and high school - C.M. Russell, six miles.

There is an elementary school in Vaughn, but it is in School District No. 79. Bob Rust, supervising teacher for the Vaughn Elementary School, said, he has about 200 children enrolled ranging from kindergarten to eighth grade.

Presently some children from Sun Prairie Estates are attending school in Vaughn, but it is near capacity and when it reaches capacity, no more children will be accepted, Rust said.

#### 21-Industrial and Commercial Activity:

A development the size of Sun Prairie Village will create demands for commercial goods and services. The developer has recognized this aspect of development and has set aside 25 lots in the northwest corner of the subdivision for commercial purposes. Development of the commercial area will be controlled by restrictive covenants.

According to the county planning board's staff report:

" . . . It is quite apparent that the existing facilities within a ten mile radius are entirely inadequate to meet this anticipated demand. There will also be a greater local demand for employment, both in production and service-related industries. This, then will mean that one of the impacts of this subdivision will be secondary development in the area to provide the aforementioned services and employment opportunities. . . ."

Since the planned commercial development will be controlled by restrictive covenants it doesn't concern local planners as much as commercial developments outside Sun Prairie Village. Since there are no government planning controls, ancillary growth can occur in an unrestricted fashion.

The scope of the secondary growth is impossible to predict. It could be the area set aside for commercial development in the subdivision will suffice, but if it doesn't it could result in less desirable forms of development.

Economically, there will be benefits for both the county and local residents. The county will profit from the tax increase and local residents will benefit from the close proximity of the commercial area to the development, plus some subdivision residents will probably be employed by store owners.

#### 22-Demands for Energy:

The proposed development will increase natural gas and electrical demands and place a high demand on gasoline resources.

The Montana Power Company (MPC) said it can supply gas and electricity to the subdivision. The company has gas and power lines running through the property. According to MPC figures, the proposed development will use around 66,000 cubic feet of natural gas annually, and consume around 4,400,000 kilowatt hours of electricity a year.

The developer has agreed to provide 40 foot easements along the power and natural gas corridors. The provisions of the easements are outlined in the restrictive covenants.

The Department of Community Affairs was concerned that the natural gas easement would make some of the lots unsuitable for building sites or severely restrict the use of the lots. The lots in question included: Lots 8 and 10, Block 11; Lot 5, Block 24 and Lot 9, Block 16.

All utility lines in the development, including telephone lines, will be buried, according to the developer.

Although it is difficult to determine the amount of gasoline which will be consumed by the residents at full development, it will probably amount to a large quantity.

The Department of Highways estimated residents will make from 3,745 to 5,350 trips a day to and from the proposed development. Using that estimate as the basis for an example, fuel consumption would easily reach several thousand gallons of gasoline a day, and projected to an annual basis, would climb to well over a million gallons a year.

Presently, the nearest gasoline stations are in Vaughn. Considering the size of Sun Prairie Village, it's questionable whether the local stations could ever handle such a volume. Thus, automobile service and repair facilities will probably locate near the subdivision when business warrants establishing the facilities.

In addition to the fuel used by automobiles and pickup trucks, owners of recreational vehicles will also need fuel for their vehicles.

Two of the energy resources needed to insure Sun Prairie Village's success have questionable futures. Both natural gas and gasoline are now abundant but may be reduced in the future.

For a number of years Montana utilities and refineries tapped a seemingly inexhaustible supply of inexpensive Canadian petroleum and natural gas. Recently, however, the situation has changed and Canada has systematically reduced the exported supply of both.

It is possible gasoline consumption could be reduced by establishing commercial businesses near the proposed development and by conscientiously following such conservation practices as car pooling. But to assume there will always be enough gasoline to meet demands would ignore what has happened in the past, and what has been predicted for the future.

### 23-Locally Adopted Environmental Plans and Goals:

Sun Prairie Village is the largest subdivision DCA's Planning Division has reviewed.

In a letter to the Cascade County Planning Board chairman, February 18, 1976, DCA planner Dave Cole said:

". . . At an assumed average density of three persons per lot Sun Prairie's eventual population would be double that of the combined population of the four existing communities in the Sun River Valley (Vaughn, Sun River, Fort Shaw and Simms). The Cascade County Planning Board should keep in mind that this is not just another subdivision but rather it is a new community in Cascade County which will have tremendous impacts on community services and the public cost of providing those services. . . ."

Presently there is no comprehensive plan or other land use regulations covering the area. It is beyond the local zoning district and has not been annexed by a city or town.

During the review of the preliminary plat, local and state planners discussed ways to control growth. Some felt restrictive covenants would suffice, while others felt a zoning district should be created.

Cole's letter said:

". . . The subdivider has proposed that the land uses with the development be controlled by means of covenants. At the preapplication meeting on January 15th, Bill Monroe, acting county planning director, indicated some misgivings in regard to using covenants only to regulate land use. We share his concern. While covenants

are certainly better than no regulations at all they tend to be difficult to enforce and therefore often do not result in the intended quality of development. Enforcement of private covenants requires that a property owner take legal action against his neighbor in civil court. For obvious reasons, therefore, covenants are often not enforced.

"Several other problems exist when only covenants are relied upon to ensure good development. The subdivider, or the lot owners, holding 65 percent of the lots may change the requirements of the covenants, thereby removing the protection that early lot buyers may have counted on the covenants to provide. Also covenants can only be enforced after a violation has occurred. . . ."

The DCA planner felt a zoning district would be the best means for controlling development. His discussion of zoning said:

". . . A more effective and equitable form of controlling development is through zoning which is based upon a comprehensive plan. Until Cascade County completes a comprehensive plan for that area such zoning is not possible except on an interim basis.

"An alternative approach to achieving orderly development would be to attempt to develop some land use regulations through a county planning and zoning district provided by Title 16, Chapter 41, R.C.M. 1947. This law permits the establishment of a zoning district for areas of at least 40 acres where 60 percent of the owners petition for its creation. When it is established, a five member zoning commission is formed which recommends zoning districts and regulations to the county commissioners for their adoption and enforcement.

"These are some objections to Chapter 41 zoning, such as the problem of creating small, isolated zoning districts but the advantages to Chapter 41 zoning outweigh the disadvantages in this case. The most important advantage is that the land use regulations would be enforced by county officials rather than by individual property owners. Land uses can be controlled by a permit system which can prevent nonconforming uses from occurring. The law allows up to a one mill levy on all the property in the district to pay the expenses of zoning enforcement, thus all property owners share equally in the cost of enforcement, a situation that does not occur with the use of private covenants.

"Another consideration is that the county also has a lot at stake in any private development. One of the most important functions served by zoning is the preservation and stabilization of property values. If an area of the community should become blighted or run down because of a lack of land use regulations or inadequate enforcement of regulations, property values and thus tax revenues will

fall. It is in the community's long-term interest to assure that standards are maintained so that attractive, well-planned developments remain that way. This should be of special concern in the case of Sun Prairie Village because of the type of housing proposed, the manner in which mobile homes are taxed and the high costs of transporting students to Great Falls which must be paid out of those taxes. . . ."

On March 12, 1976 the Cascade County Planning Board and the County Commissioners listed 14 recommendations which they thought should be resolved before the plat could receive final approval. The fourteenth recommendation discussed zoning and said:

\* ". . . 14. Because covenants are not always effective for land-use controls, it is required that the applicant, in accordance with the provisions in Chapter 41, County Planning and Zoning District, R.C.M., 1947, as amended, develop a zoning district before any lots are sold. . . ."

On March 16, 1976 Monroe received a letter from Richard Weddle, land use attorney for DCA, reinforcing the contention that a zoning district could be created. He said:

". . . In reviewing the statutes relating to county zoning districts I can find no language which would preclude the formation of a district in an area of greater than 40 acres which is held in single ownership. Section 16-4101 provides that the board of county commissioners may create a zoning district upon petition of 60 percent of the freeholders affected thereby. In the case you have hypothesized the developer of the property represents 100 percent of the affected freeholders and his petition for the creation of a district more than satisfies the requirements of section 16-4101. . . ."

However, at a meeting on May 20, 1976, the planning board removed the requirement that the developer create a zoning district.

When asked about the reversal, the developer said he didn't initiate the change, it was the county commission that wanted it deleted.

County Commission Chairman Ed Shubat said, if a zoning district were created it would require additional persons to maintain the district and the county couldn't afford to hire more people. Besides, he added, it should be left up to the people who will live in the development to decide whether or not they want to create a zoning district.

In a second letter to Monroe, June 8, 1976, Weddle discussed the board's deletion of the zoning requirement. He said:

". . . You have asked me to comment on the action of the Cascade County Planning Board in waiving a condition of preliminary plat approval of the Sun Prairie Village Subdivision.

"As I understand the situation, the County Commissioners approved the preliminary plat of Sun Prairie on the condition that the developer seek the creation of a zoning district pursuant to section 16-4101 through 16-4107, R.C.M. 1947. However, at the time he submitted his final plat to the County Planning Board the developer had not taken the steps necessary to form such a district and expressed an unwillingness to do so. The Planning Board then adopted a motion waiving or rescinding the condition and voted to recommend approval of the final plat notwithstanding the subdivider's failure to meet the condition.

"Under the Subdivision and Platting Act and Montana's planning enabling statutes a planning board is an advisory body only and has no authority to waive conditions of plat approval imposed by the governing body. (See sections 11-3801 and 11-3842.1, R.C.M. 1947.) At the final plat review stage the planning board's sole function is to ascertain that the final plat conforms to the requirements of the Subdivision and Platting Act, to the state and local regulations adopted pursuant thereto, and to any conditions for approval imposed by the governing body on the plat and to recommend approval of the plat if it meets these criteria.

"The Subdivision Act declares in section 11-3867(2) that the governing body may approve a final plat:

'When and only when, it conforms to the conditions of approval set forth on the preliminary plat and to the terms of this act and regulations adopted pursuant thereto.'

"In addition, the Cascade County Subdivision Regulations contain the following corresponding language:

'The governing body shall examine the final subdivision plat. . . and shall approve it only when it conforms to the conditions of approval set forth on the preliminary plat and to the terms of the Montana Subdivision and Platting Act and these regulations. The governing body, however, may approve a final plat which has been modified to reflect improvement in design, or changes which have occurred in the natural surroundings and environment of the proposed subdivision of the preliminary plat since the time of review and approval. The governing body shall not disapprove a final plat if it conforms to the approved preliminary plat, and if the subdivider has completed all required changes and met or exceeded all standards and requirements of these regulations (section 2.3.2.3).'

"Because it is unlawful for the County Commissioners to approve a final plat which does not conform to the conditions of preliminary plat approval, it would be highly improper for the Planning Board to recommend such approval.

"Finally, you have asked me to comment on the June 4th opinion of the Deputy Cascade County Attorney regarding the legal significance of the Cascade County Subdivision Regulations and the power of the Planning Board to waive requirements set forth in those regulations. (A copy of this opinion is attached.)

"First, the subdivision regulations adopted by the Cascade County Commissioners pursuant to the Subdivision and Platting Act are not 'guidelines,' as Mr. McCafferty suggests, but have the force of law and are binding on the Commissioners themselves, on the Planning Board, and on subdividers. A violation of these regulations is punishable as a misdemeanor under section 11-3876, R.C.M. 1947.

"Second, although section 11-3863(6) does provide for the issuance of variances from local subdivision regulations, it also stipulates that these variances can be granted only by formal action of the governing body, not the planning board, and must be based on specific variance criteria contained in local subdivision regulations.

"This Department's administrative rules further limit the granting of variances to the design and improvement standards of local regulations (MAC 22-2.4B(6)-S420(1)(s)), and the Cascade County Subdivision Regulations stipulate that 'under no condition shall a variance be granted for procedural requirements' (section 7.2.1).

"It is clear, then, that the Cascade County Commissioners, let alone the Planning Board, cannot waive the procedural requirement of section 2.3.2.3 that a final plat conform to the conditions imposed by the Commissioners on preliminary plat approval. Consequently there is no legal basis for the assertion that 'by agreement among all concerned parties and with consent of the (Planning) Board' this requirement may be dispensed with.

"As I have noted earlier it is the planning board's function to determine whether the final plat conforms to the Act, to state and local regulations and to any conditions imposed on plat approval. When it finds that these conditions have not been met, it is obliged to recommend against approval of the plat. A planning board which, on the other hand, recommends approval of a final plat in violation of state law and local regulations is derelict in its duty both to the governing body and to the public. . . ."

The board reaffirmed its position June 10, 1976 that the requirement could be waived and recommended the county commissioners approve the final plat.

#### IMPACTS:

At full development Sun Prairie Village will be larger than most small towns in Cascade County, and will require all of the services of a town.

Many of the services have been discussed. In terms of local government services, county government and local school officials believe they can cope with future problems. However, a number of state officials wonder if local decision makers have thoroughly considered all the obvious and not so obvious long term problems associated with a development of this size.

The primary impact of Sun Prairie Village will be the creation of a large community in a rural setting. A review of the environmental considerations revealed the majority of impacts will be on the human rather than physical environment.

A secondary impact of the subdivision will be the degree of additional developments generated by the existence of Sun Prairie Village. This could take the form of other housing developments, the creation of commercial businesses or possibly, the development of small industries.

The cumulative impact of the development will be the transition of a traditional agrarian community to an urban community.

#### GROWTH, BENEFITS AND COSTS:

The subdivision will have a growth inducing influence on the local community. Some aspects of the growth will be positive, others negative. Some of the possible problems associated with growth include the ability of future taxes to pay for government services, solutions to traffic safety problems and residual development, on the other hand, the development will alleviate the reportedly tight housing market in the Great Falls area, enable middle income persons to own their own homes, to some degree, create jobs and economically benefit local businesses.

#### COMMITMENT OF RESOURCES:

The proposed development will permanently effect the land and energy resources. The character of the land will be changed from an agricultural to suburban setting, permanently altering the natural aesthetic quality of the landscape.

Sun Prairie Village homeowners will consume a considerable amount of energy--gasoline, natural gas and electricity. For the most part, these resources are derived from nonrenewable resources, such as crude oil, coal and natural gas. Neither utility or gasoline producers can guarantee the future supply of the resources.

SHORT-TERM vs. LONG-TERM IMPACTS:

The major short-term benefits associated with Sun Prairie Village will be the creation of mobile home units. Mobile home housing is allegedly scarce in Great Falls, so the advent of such a subdivision would be beneficial.

However, the creation of the proposed development will possibly result in strained relations between persons living in a large lot subdivision just south of Sun Prairie Village and might not be warmly welcomed by members of the agricultural community. If these situations do evolve, the eventual establishment of the subdivision as part of the community may solve the problem.

There may be some long-term social and economic benefits related to the development. If full development occurs it will create a need for businesses which deal in goods and services. Established merchants may realize an increase in business, while the volume of trade may encourage the creation of new businesses. More business will likely create jobs, some of which may be filled by persons living in Sun Prairie Village. In terms of services, the area could grow to the point where professional people, such as doctors, dentists, etc., may open offices, thus bringing medical care closer to persons in the community.

Conversely, a number of government services may need to be expanded to adequately serve the community. If the proposed development doesn't generate enough tax money to pay for these services, the tax burden will be shared by other taxpayers in the county. Another potential problem might arise during the course of development could be ancillary growth prompted by the creation of Sun Prairie Village. The proposed subdivision has restrictive covenants which cover various aspects of development inside the development, but there are no regulations for residential or commercial growth outside Sun Prairie Village. According to officials in the State Department of Community Affairs, a zoning district could be formed, thus averting possible future problems, but county officials don't feel there is a need for a zoning district and are not requiring the creation of such a district.

ALTERNATIVES:

- (1) Approve the development as proposed.
- (2) Disapprove the development as proposed.
- (3) Approve the development with the following conditions:
  - (a) In the event there are indications that storm water drainage has an adverse impact on the water quality of the Sun River and/or creates an erosion problem in the drainageways leading to the river, the developer shall provide a storm water control treatment system to correct the problem.

- (b) The developer install and depending on the agreement either the developer or homeowners association will be responsible for the operation and maintenance of a spray irrigation system. The system will be installed to irrigate an area of approximately 40 acres.
- (c) The developer have access to an additional 40 acres of irrigatable land in the event sewage flows and/or irrigation practices warrent its use.
- (d) Since the lagoon system is located in the 100 year flood plain, the developer shall be responsible for maintaining and protection of the dikes from flood water erosion.
- (e) The developer shall abide by all Department of Health and Enviromental Sciences and Cascade County Health Department regulations which pertain to the water supply, sewage disposal and solid waste disposal systems.

RECOMMENDATION:

The Subdivision Bureau recommends the third alternative. In the event any or all of the approval conditions are not met, the department will seek legal action under the provisions of 69-5007 and 69-5008 R.C.M. 1947.

REFERENCES:

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