

## FINDINGS OF FACT

The City/County Planning staff has prepared the Findings of Fact for the Clear Creek Subdivision, 2<sup>nd</sup> Filing, Amended Lot 5, Block 1. These findings are based on the preliminary plat application and address the review criteria required by the Montana Subdivision and Platting Act (76-3-608, MCA) and the Yellowstone County Subdivision Regulations (YCSR).

### **A. What are the effects on agriculture, local services, the natural environment, wildlife, wildlife habitat, and public health and safety (76-3-608(3)(a), MCA) (Section 3.2(H)(2), YCSR)**

#### **1. Effect on agriculture and agricultural water users' facilities**

The subject property is not currently used for agricultural purposes and does not have water rights. The subdivision is in an area that is developed with a mix of other uses and should not affect agriculture or agricultural water users' facilities.

#### **2. Effect on local services**

- a. **Water and Sewer** –The property is served by the County Water District of Billings Heights (CWDBH). A service line and stub to the property are located within the Pine Ridge Road right-of-way. CWDBH has reviewed the proposal and agrees to provide a second service to the new lot. As there is no public sewer to the property, individual septic systems will be used for each of the lots. Locations of septic systems will be reviewed and approved by the Montana Department of Environmental Quality (MDEQ). These systems will be constructed as approved by the MDEQ and as shown on approved plans.
- b. **Streets and roads** – The proposed subdivision is located on the south side of Pine Ridge Lane, a local gravel-surfaced road within a 50-foot public right-of-way. Although Pine Ridge Lane's right-of-way extends to Highway 87 North, due to topographic reasons it does not directly connect, but instead shares an approach with the adjacent property, Lot 1-B, through an existing public access easement. No changes or improvements to the street are anticipated with the subdivision.

An additional access from Highway 87N is available to Lot 5-A through an approach shared with the adjacent property to the north. A public access easement exists for this approach as shown on the plat.

- c. **Fire and Police Services** – The property is within the Billings Urban Fire Service Area's jurisdiction and the Billings Fire Department will provide fire service. It is the subdivider's responsibility to ensure provisions of a water source and adequate access to the proposed lots for emergency service's needs. A pressurized fire hydrant is located at the end of Pine Ridge Lane, adjacent to the subdivision. This hydrant meets the requirements for water supply specified in

the County Subdivision Regulations and the Fire Department indicated that the proposal meets their needs for access.

The Yellowstone County Sheriff's Department will provide law enforcement services.

- d. **Solid Waste disposal** – The Billings Landfill has capacity for solid waste disposal. Solid waste will be collected and disposed of by a private garbage collection company. Each lot owner will be responsible for arranging for collection.
- e. **Storm water drainage** – All storm water drainage shall satisfy storm water management requirements and specifications of MDEQ. The water is proposed to be absorbed on-site in the ditches along the paved road within the public right-of-way.
- f. **School facilities** – The proposed subdivision is located in the Independent School District for elementary school, and Castle Rock Middle School and Skyview High School in Billings School District #2. Although it is not certain that the lots would be used for residential purposes, recent correspondence with Independent School administration confirmed that the elementary school has capacity for more students. School District #2 also has a new middle school on the east side of Main Street will be opening in the Fall of 2016 and this subdivision could likely be served by it.
- g. **Parks and recreation** – This proposed two-lot subsequent minor subdivision is not required to provide parkland dedication, as it is only creating one additional lot (76-3-621, MCA).
- h. **Historic features** – No known historical or cultural assets exist on the site.

### **3. Effects on the natural environment**

The development will use noxious weed control measures to prevent the spread of noxious weeds to adjacent developed or agricultural land. A weed management plan will be completed and a property inspection done prior to final plat approval (**Condition #1**).

A portion of the property has high ground water, as evidenced by the riparian vegetation (cattails) growing there. Future uses of this area may be limited.

There are no apparent or known natural hazards on the property.

### **4. Effects on wildlife and wildlife habitat**

There are no known endangered or threatened species on the property. Montana Fish, Wildlife, and Parks (FWP) responded to a request for review and comment on the proposed subdivision. It is suggested that future homeowners should be made aware that unless they take steps to deter animals such as fencing their yards they may experience

damage problems. A note to this effect is found within the SIA to help inform future landowners.

**5. Effects on public health and safety**

Plans and designs for use of the proposed individual septic systems will be reviewed and approved by MDEQ. Fire and emergency services are provided for this proposed subdivision. There should be minimal effects on public health and safety as a result of this subdivision.

**B. Was an environmental assessment required? If yes, what, if any, significant adverse impacts were identified? (76-3-616, MCA) (Chapter 9, YCSR)**

An environmental assessment was not required for this subdivision.

**C. Does the subdivision conform to the Yellowstone County-City of Billings 2008 Growth Policy Update, the 2014 Billings Urban Area Long Range Transportation Plan, and the Billings Area Bikeway and Trail Master Plan? (Section 3.2 (H)(4), YCSR)**

**1. Yellowstone County – City of Billings 2008 Growth Policy Update**

- **Goal: Predictable land use decisions that are consistent with neighborhood character and land use patterns. (p. 6)**

*This subdivision will create 2 lots for either residential or commercial development, consistent with the immediately surrounding neighborhood.*

- **Goal: New developments that are sensitive and compatible with the character of adjacent County townsites. (p. 6)**

*There are similarly sized lots directly adjacent to the subject property.*

- **Goal: Contiguous development focused in and around existing population centers separated by open space. (p. 6)**

*The proposed subdivision will increase the development density on the subject property therefore concentrating development and potentially preserving the agricultural land and open space in the surrounding area.*

- **Goal: More housing and business choices within each neighborhood. (p. 6)**

*The proposed subdivision will create 2 developable lots in this area.*

**2. 2014 Billings Urban Area Long Range Transportation Plan**

The subject property is on the northern boundary of the study area of the Transportation Plan. The subject property has frontage on Highway 87 North which is a principal arterial road. No additional right-of-way is needed this plat.

**3. Billings Area Bikeway and Trail Master Plan (BABTMP)**

The subject property is on the northern boundary of the study area of the BABTMP. The subject property has frontage on Highway 87 North which is identified as a future arterial bikeway. No improvements are proposed or required with this plat.

**D. Does the subdivision conform to the Montana Subdivision and Platting Act and to local subdivision regulations? [76-3-608(3)(b), MCA and Section 3.2(3)(a), YCSR]**

The proposed subdivision meets the requirements of the MSPA and the YCSR. The subdivider and the local government have complied with the subdivision review and approval procedures that are set forth by local and state subdivision regulations.

**E. Does the subdivision conform to sanitary requirements? [Section 4.8(C) and 4.9 (C), YCSR]**

The subdivider will need to receive approval from MDEQ for the use of septic systems, and CWDBH will review and approve the connections to the public water for the new lots.

**F. Does the proposed subdivision meet any applicable Zoning Requirements? [Section 3.2(H)(3)(e), YCSR]**

The subdivision is in the County's zoning jurisdiction and is zoned CC. The proposed lots sizes are in compliance with zoning, County Subdivision Regulations, and MDEQ. There is a note within Section II. of the SIA notifying future property owners that a Zoning Compliance Permit is required prior to any construction on the lots.

**G. Does the subdivision provide for necessary planned utilities? [76-3-608(3)(c), MCA and Section 3.2 (H)(3)(b), YCSR]**

Utility easements shall appear on the face of the final plat as requested by Yellowstone Valley Electric Cooperative and MDU.

**H. Does the proposed subdivision provide for legal and physical access to all lots? [76-3-608 (3)(d), MCA and Section 3.2 (H)(3)(c)(d), YCSR]**

Legal and physical access will be provided for the proposed lots from Pine Ridge Lane and two existing public access easements connecting to Highway 87 North.

**CONCLUSIONS OF FINDINGS OF FACT**

- The Clear Creek Subdivision, 2<sup>nd</sup> Filing, Amended Lot 5, Block 1 does not create adverse impacts that warrant denial of the subdivision.
- Impacts to agriculture, agriculture water user facilities, local services, public health and safety, the natural environment, and wildlife should be minimal.

- Impacts identified can be mitigated by reasonable conditions of final plat approval.
- The subdivision conforms to some of the goals of the 2008 Growth Policy.
  - The applicant has complied with the MSPA and YCSR processes and the subdivision conforms to the law requirements.

**RECOMMENDATION**

Staff recommends that the Planning Board recommend to the Board of County Commissioners conditional approval of the preliminary plat of Clear Creek Subdivision, 2<sup>nd</sup> Filing, Amended Lot 5, Block 1 and adoption of the Findings of Fact as presented in the staff report.

**ATTACHMENTS**

- A: Zoning Map
- B: Preliminary Plat and Associated Documents