

FINDINGS OF FACT

The City/County Planning staff has prepared the Findings of Fact for the Aspen Ridge Subdivision, 2nd Filing. 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 should not affect agricultural water users' facilities or take land out of agricultural production.

2. Effect on local services

- a. **Water and Sewer** – Lockwood Water and Sewer District shall be used to supply water to the individual lots. A service line will be extended from its current terminus in San Marino Drive, and connect to the existing line in Noblewood Drive, completing a necessary loop for water pressure and quality needs. Individual septic systems are proposed for each of the lots. Locations and design of the septic systems will be reviewed and approved by the Montana Department of Environmental Quality (MDEQ) prior to final plat approval. 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 at the east terminus of San Marino Drive, a local paved street, south of Tanglewood Drive in Lockwood. San Marino will be extended to serve the new proposed lots. It will be built to a County paved road standard and will have a pedestrian walkway on its north side.

Additionally, right-of-way for the future continuation of Noblewood Drive fronts the east side of property. Noblewood Drive is a future Collector street, according to the Billings Urban Area Transportation Classification map, therefore, a 40-foot half width right-of-way is being dedicated with this plat. Construction of Noblewood Drive as it fronts the subject property will be limited to a 20-foot wide gravel surface to the south side of Lot 9, Block 2 with this filing. In the future, when Lot 11, Block 3 is developed as shown on the master plan, the entire Noblewood frontage will be constructed to a County paved road standard. This requirement is specified in the Subdivision Improvements Agreement (SIA).

- c. **Fire and Police Services** – The property is within the Lockwood Fire Department's jurisdiction. 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 shall be installed at the end of San Marino Drive to meet the requirements for

water supply specified in the County Subdivision Regulations and the Fire Department has 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** – The management of storm water runoff shall be designed to satisfy storm water management requirements and specifications of MDEQ. As was required with the 1st Filing of Aspen Ridge Subdivision, the subdivider shall provide a stormwater master plan for this filing and any future development of Lot 11, Block 3. The preliminary plat shows that storm water will be absorbed on-site in the ditches along the paved road and also within two storm retention areas. The existing retention pond at the north end of Lots 2 and 3, Block 2, will be maintained in an easement on those lots and two additional ponds will be constructed on Lot 9, Block 2.

The two stormwater facilities shown on Lot 9, Block 2, may remain in private ownership and function as public stormwater facilities. To do this, two stormwater facility easements must be created and easement documents filed with the final plat specifying the areas of the easements are for stormwater management only and are maintained through a Rural Special Improvement District (RSID) created for the purpose of maintaining the facilities (**See Condition #1**). Lot 9 may not be developed in the future for anything except the stormwater management without first providing the County with alternate stormwater facilities to serve the subdivision. An RSID for maintenance of the stormwater facilities on Lot 9 must be created or expanded prior to final plat approval (**See Condition #1**). These details must be updated in the SIA.

A stormwater easement and swale in the easement is identified on the preliminary plat to be provided and constructed to connect all three stormwater ponds in the subdivision. The easement is located on the back (north) side of Lots 4-8, Block 2. Based on County Public Works staff review and past experience with storm water facilities in County developments, Public Works is proposing a condition of final plat approval that conveyance of the stormwater in the 20' easement be piped from the new stormwater facilities on Lot 9, Block 2, to the existing stormwater detention pond located in an easement on proposed lots 2 and 3, Block 2 (**See Condition# 2**). Property owner desire for access from lots backing the existing alley and future fencing and landscaping of properties in the subdivision will create a situation where an open stormwater swale will be modified and no longer function as designed. County Public Works staff states that piping the stormwater in this area will ensure the system functions with limited maintenance and likelihood of a failure or effect on neighboring properties.

- f. **School facilities** – The proposed subdivision is located in the Lockwood School District for elementary and middle school, and Billings School District #2 for high school (Senior High). Both Senior High and Lockwood School administrators commented that the

subdivision is located on a current bus route, and that the schools have capacity for more students.

- g. **Parks and recreation** – This subdivision is required to provide parkland dedication for the 14 lots that are less than 5 acres in size. As the lots are between 0.5 and one acre, a dedication equal to 7.5% of the net lot area is required; this equates to 0.578 acres. The subdivision is near Harris Park, a developed County park, and the developer has proposed to provide cash in lieu of land dedication for this filing. The developer will also be required to expand the existing Park Maintenance District for Harris Park prior to final plat approval. These details are noted in the SIA.
- 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 #3**).

MDEQ will review and approve the new proposed septic systems and stormwater management facilities to ensure any impacts of the development are mitigated.

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 septic systems and public water supply will be reviewed and approved by MDEQ prior to final plat approval. Fire and emergency services are provided for this proposed subdivision. The subdivider shall install pedestrian walkways on the north side of San Marino Drive to help facilitate safe pedestrian travel. Effects on public health and safety should be minimal.

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 14 lots for single family residences, 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 containing single-family homes 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 is within the Lockwood water service area. Because it is able to be served with public water, development can be of higher density and more concentrated around the existing population center of Lockwood.

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

The proposed subdivision will create 14 additional residential lots in this area.

2. 2014 Billings Urban Area Long Range Transportation Plan

The subject property is within the boundary of the study area of the Transportation Plan. Although the new lots will be served by an internal local street, the subject property has frontage on Noblewood Drive which is identified as a future collector road on the Functional Classification Map. The appropriate amount of right-of-way is being preserved for this future collector with this plat and the roadway will be constructed to a County Collector Road standard when any additional development occurs south of Lot 9, Block 2.

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

The subject property is not within the jurisdiction of the BABTMP.

However, to provide for the pedestrian pathway connectivity required by Section 4.6 C. 15 of the County Subdivision Regulations, and meet the requirements of the Aspen Ridge Subdivision, 1st Filing Subdivision Improvement Agreement, prior to final plat approval the 5-foot wide pedestrian walkway/trail shall be constructed along the east side of Tanglewood Drive and the north side of San Marino Drive in the existing walkway/trail easement in Aspen Ridge Subdivision, 1st Filing, and the 5-foot wide pedestrian walkway/trail shall be constructed in the walkway/trail easement along the north side of San Marino Drive to the cul-de-sac in the 2nd Filing. The pathway shall be constructed of asphalt or concrete (See **Condition #4**).

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 shall receive approval from MDEQ for the proposal to make use of the public water and individual septic systems 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 R-96. The proposed lots sizes are in compliance with zoning, County Subdivision Regulations, and MDEQ. A note is found in 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 Northwestern Energy 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 San Marino Drive.

CONCLUSIONS OF FINDINGS OF FACT

- The Aspen Ridge Subdivision, 2nd Filing 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 Aspen Ridge Subdivision, 2nd Filing and adoption of the Findings of Fact as presented in the staff report.

ATTACHMENTS

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