

FINDINGS OF FACT

The City/County Planning staff has prepared the Findings of Fact for the Keller Place Subdivision, Amended Lot 3A, 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** – There is a 16 inch water line in Johnson Lane that will provide water service to the proposed subdivision. The proposed subdivision will also connect to the existing 10 inch sanitary sewer main located in Johnson Lane. Connections to both systems will require the approval of Lockwood water and sewer district.
- b. **Streets and roads** – The proposed subdivision is located on the west side of Johnson Lane, a designated principal arterial street that requires a 120-foot public right-of-way. There is no need for additional right-of-way from this subdivision.

Access to the individual lots will be done through three existing access points. There is an existing 40' wide easement that was created on the north side of the original Keller subdivision that will provide access to Lot 3A-1 and 3A-2, recorded document number 1842752. There is another Reciprocal Access Easement between proposed Lot 3A-1 and 3A-3 that is 40 feet wide, recorded document number 3120839. There is an additional easement proposed on the south east corner of the proposed subdivision.

- c. **Fire and Police Services** – The property is within the Lockwood Fire Department Service area and they will provide fire service to this subdivision. 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. At the time of lot development fire hydrants will be installed as required by the Lockwood Fire Department. Accesses into the development will also be built to Yellowstone County and Fire Department standards to support fire department apparatus.

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 proposed subdivision at this time has no storm drain facilities. At the time of lot development all storm water drainage shall satisfy storm water management requirements and specifications of Montana Department of Environmental Quality (MDEQ).
- f. **School facilities** – The proposed subdivision is located in Lockwood elementary school and Lockwood Middle School in the Lockwood District and Senior High School in Billings School District #2. Although it is not certain that the lots would be used for residential purposes, mixed use residential with commercial is an allowed use in Entryway General Commercial. It is currently believed that this parcel will most likely develop as a commercial site therefore the impact to the school system will be minimal.
- g. **Parks and recreation** – This proposed three-lot subsequent minor subdivision is not required to provide parkland dedication, YCSR Section 10.8 (A) and (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**).

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 land owners should be made aware that unless they take steps to deter animals 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 connection to utilities in Johnson Lane will be reviewed and approved by the Lockwood Water and Sewer District. Storm water management will be reviewed and approved by MDEQ before constructions on the site. 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 3 lots for either commercial or mixed use 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 in an area in Lockwood that is proposed to be a commercial 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 eastern edge of the study area of the Transportation Plan. The subject property has frontage on Johnson Lane 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 not in the study area of the BABTMP. The subject property has frontage on Johnson Lane which is identified as a principal arterial. This subdivision, when it is developed, would benefit greatly from boulevard sidewalks on Johnson Lane and internal sidewalks to provide safe pedestrian access. In the Lockwood Pedestrian Safety District document Johnson Lane from I-90 to Ford Road is identified as an area that would benefit greatly from the installation of pedestrian sidewalks for convenience and safety of pedestrians.

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 any proposed development and how they will be handling the storm water. The proposed subdivision will have water and sewer connections to existing water and sewer systems in Lockwood and will be required to obtain approvals from the Lockwood Water and Sewer district.

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 EGC. The proposed lots sizes are in compliance with zoning and County Subdivision Regulations. In the SIA it is noted that future property owners and developers are required to obtain a Zoning Compliance Permit 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 utility companies providing service to the proposed subdivision.

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 Johnson Lane and an existing public access easements connecting to Old Hardin Road.

CONCLUSIONS OF FINDINGS OF FACT

- The Keller Place Subdivision, Amended Lot 3A, 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 the Planning Board recommend to the Board of County Commissioners conditional approval of the preliminary plat of Keller Place Subdivision, Amended Lot 3A, 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