PROPOSED YELLOWSTONE COUNTY BOARD OF PLANNING
FINDINGS OF FACT

The City/County Planning Staff has prepared the Findings of Fact for the Amended Plat of Pike Subdivision. 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

This subdivision was originally platted in December 1972. The portion of the Pike Subdivision that is being re-platted with this amendment, Block 2, has only developed on the east half. The subject property has been historically used for crop land as have properties to the south. The lands to the east and west have been developed for residential uses. Land to the north has some farming and some land that is not suitable for farming. This subdivision is relocating lot lines and including a new proposed road and will remove approximately 17 acres of agricultural land. This area is not ideally suited to farming large tracts and is generally transitioning out of agricultural use.

High Ditch runs along the northern boundary of the existing subdivision between lots on the east side of the subdivision lots and the southern border of the existing Pike Park. The applicant will need to show any easement for ditches on the property. **(Condition #1)** The applicant states in the SIA that all ditches on the subject property have been enclosed in PVC pipe and relocated to the Public Utility Easement in Pike Court.

2. Effect on local services

a. **Water and Sewer** –Domestic water is proposed to be supplied by using individual cisterns. Each lot will have its own septic system. Both of these will require that the Montana Department of Environmental Quality (MDEQ) review placement of cisterns and proposed septic system to ensure appropriate separations. This subdivision has received DEQ approval from the previous platting. In the SIA the applicant has indicated that they will be following all requirements set out by ARM Title 17 Chapter 36(101-805).

b. **Streets and roads** – Current access to the subject properties is from Canyon Drive a dedicated county road. Canyon Drive comes off of South 80th Street West has a cul-de-sac end in the middle of the lots in this subdivision. The existing cul-de-sac end of Canyon Drive is proposed to be reduced to a hammer head end with the additional land going to the property owner on the east half of the cul-de-sac. Lots 14-A, 19-A and 20-A are the lots that would receive additional square footage. The other half of the cul-de-sac will be re-platted and incorporated into the newly aligned lots on the west half. Lots 15-A through 18-A would take in the western half of the cul-de-sac. The three affected property owners are aware of the proposed changes to the cul-de-sac and their signatures

are included on the SIA and will be included with the signature blocks on the final plat, which will be a separate page. County Public works has indicated that the applicant will need to complete paperwork for road abandonment to be able to change the cul-de-sac end of Canyon Drive. That process will need to be completed before final plat approval can take place. **(Condition #2)**

Lots 7 through 10 were to have access off of South 82nd Street West. South 82nd Street West has never been built and would be difficult to build because of the topography and soils, the proposed road location runs through some swampy areas in the landscape as well. The proposed new road, Pike Court, runs between Lots 6 through 10 and Lots 16 through 18 and 5. It is a 1,000 foot long cul-de-sac that will provide legal and physical access to Lots 5 – 11 and 15 – 18. This road will be built to county road standards for gravel roads and will provide access to the lots that have not been accessible because South 82nd Street West has not been built. Pike Court will have access off of Stillwater Drive, which is a dedicated county road that is a gravel surface road also. Culverts shall be provided to convey storm water under roads and driveways in the subdivision as per the stormwater drainage plan as reviewed and approved by MDEQ.

Maintenance for all public improvements will be through RSIDs which will be created prior to final plat approval. **(Condition #3)**

c. **Fire and Police services** – The property is within the Laurel Fire Service Area's jurisdiction and the Laurel 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 10,000 gallon dry hydrant is proposed to be installed in Pike Park off of South 80th Street West. The 10,000 gallon tank is shown on the preliminary plat located on the edge of South 80th Street West in Pike Park. Pike Park is a County Park and the applicant will have to have permission from the County Park Board to place the tank in the park **(Condition #4).** Maintenance of the 10,000 gallon dry hydrant will be done through an RSID-M to be created prior to the filing of the final plat as stated in the SIA Section IV. The Fire Department indicated that the proposed location of the fire suppression facilities are sufficient but has requested that installation inspection and approval occur prior to final plat approval. **(Condition #5)**

   The Yellowstone County Sheriff's Department will provide law enforcement services. The Department did not have any concerns with the proposal.

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** – Storm water drainage shall satisfy Yellowstone County Storm Water Management requirements and MDEQ. At Storm water management plan will be submitted and approved before final plat approval. **(Condition #6)**

f. **School facilities** – The proposed subdivision is located in School Districts #8 and #2 service areas. Elementary and Middle school students would attend Elder Grove, while High School students would attend West High School. Elder Grove School has indicated that they have capacity for additional students at this time.

g. **Parks and recreation** – The parkland dedication requirement for this subdivision is 5% of the net lot area. This subdivision was originally platted in 1972 and at that time park land was dedicated for the subdivision. The current park land dedicated is 5.31 acres, under current regulations the required parkland for the entire subdivision would be 2.9 acres. In the SIA a Park Maintenance District is proposed to be established for its maintenance in the future. There was never an RSID created for the park land with the original plat. In order to create one now it will require existing property owners in the subdivision to be willing to create it at this time.

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 #7)**.

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 although the area is good deer and antelope habitat. An advisory note to this effect is in the SIA, Conditions that Run with the Land Section. The existing parkland area has remained in its natural state, up to this time it has allowed for the perpetuation of existing wildlife habitat.

5. Effects on public health and safety

Plans and designs for the individual cisterns and septic systems will be reviewed and approved by MDEQ prior to final plat approval to ensure public health and safety.

Fire and emergency services are provided for this proposed subdivision. A 10,000 gallon tank with a dry hydrant system will be constructed prior to final plat approval for water supply for firefighting needs.

Effects on public health and safety should be minimized through these measures.

B. Was an environmental assessment required? If yes, what, if any, significant adverse impacts were identified? (76-3-603, MCA) (Chapter 9, YCSR)

An environmental assessment determined there will be no adverse effect on the land as it has been used as farm land for years and therefore has been disturbed from its natural state and this proposed subdivision does not disturb any natural features or habitat.

C. Does the subdivision conform to the Yellowstone County-City of Billings 2008 Growth Policy Update, the Urban Area Transportation Plan--2009 Update, and the Billings Area Bikeway and Trail Master Plan? (Section 3.2(H)(4), YCSR)

1. <u>Yellowstone County – City of Billings 2008 Growth Policy Update</u>

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

This subdivision will create no new lots but the subdivision is for single family residences. This land use is consistent with surrounding developed properties.

- Goal: More housing and business choices within each neighborhood. (p. 9)

The proposed subdivision does not create any new lot the lots are for additional homes in this area.

- Goal: Protection of groundwater, surface water, riparian areas, air quality and productive agricultural land. (p. 9)

The proposed subdivision will maintain the natural drainage areas, although it is removing some agricultural land.

2. <u>2014 Billings Urban Area Long Range Transportation Plan</u>

The subject property is not within the boundary of the Transportation Plan. The subject property has frontage on Stillwater Drive and South 80th Street West. The appropriate amount of right-of-way is being preserved for these roads with this plat. Also, no-access strips are identified on the plat to prevent new drive approaches on to Stillwater Drive. The internal street in this subdivision is proposed to be a public local residential street built to County Gravel Road Standards.

3. <u>Billings Area Bikeway and Trail Master Plan (BABTMP)</u>

The subject property is not within the jurisdiction of the BABTMP. No bikeway or trail improvements are required or proposed for this subdivision.

D. Does the subdivision conform to the Montana Subdivision and Platting Act (MSPA) 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 must receive approval from the MDEQ for the individual cisterns and the proposed septic facilities prior to final plat approval.

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

The subdivision is outside zoning therefore it doesn't need to meet any requirements of zoning.

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

Utility for the proposed lots will be placed in the outer edge of the public dedicated road. Additional utility access will be in an easement that runs from Canyon Drive in a 20 foot easement between lots 16-A and 17-A.

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

Legal and physical access will be provided for proposed lots off of the internal street. Access off of Stillwater Drive must be approved by the Yellowstone Public Works Department.

CONCLUSIONS OF FINDINGS OF FACT

- Second Amended Pike Subdivision 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.

ATTACHMENTS

A: Aerial of existing site