

**YELLOWSTONE COUNTY BOARD OF PLANNING**  
**FINDINGS OF FACT**

The City-County Planning staff has prepared the Findings of Fact for the Aspen Ridge Subdivision, 2<sup>nd</sup> 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 (**Condition 2**).
- 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.

Additionally, right-of-way for the future continuation of Noblewood Drive fronts the east side of property. Noblewood Drive is classified as 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 8 with this filing. In the future, when Lot 15 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 its 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 storm water master plan for this filing and any future development of Lot 15. 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, will be maintained in an easement on those lots and two additional ponds will be constructed on Lot 8. Prior to final plat approval, the subdivider must receive approval from MDEQ for the storm water management plan for the subdivision (**See Condition# 2**).

The two storm water facilities are shown on Lot 8. Lot 8 is intended to remain in private ownership and function as public storm water facilities. To do this, two storm water facility easements must be created and easement documents filed with the final plat specifying the areas of the easements are for storm water management only and are maintained through a Rural Special Improvement District (RSID) created for the purpose of maintaining the facilities (**See Condition #1**). Lot 8 may not be developed in the future for anything except the storm water management without first providing the County with alternate storm water facilities to serve the subdivision. A controlled access easement also has been placed along the eastern edge of Lot 8 on Noblewood Drive to ensure future development of the lot is properly reviewed for an approach on Noblewood Drive. An RSID for maintenance of the storm water facilities on Lot 8 must be created or expanded prior to final plat approval (**See Condition #1**). These details must be updated in the SIA.

Prior to final plat approval, the subdivider also must receive approval from MDEQ for the storm water management plan for the subdivision (**See Condition# 2**).

- 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. 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 0.596 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 storm water management facilities to ensure any impacts of the development are mitigated (**Condition 2**). 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 original preliminary approval of this 2<sup>nd</sup> Filing required a pedestrian walkway along one side of San Marino Drive, as is still required in the 1<sup>st</sup> Filing. This requirement was triggered by Section 4.6 (C) (15) of the County Subdivision Regulations based on the majority of the lots being less than 25,000 square feet. However, this resubmitted preliminary plat has a majority of lots sizes that are greater than 25,000 square feet, so the pedestrian pathway requirement is not triggered. The subdivider is providing a 6-foot-wide pedestrian pathway from the end of the cul-de-sac on San Marino to Noblewood Drive right-of-way. While this is a benefit for connectivity for the neighborhoods in this area of Lockwood, lack of pedestrian facilities within this filing of the subdivision and no facilities on Noblewood until the road is constructed in the future makes pedestrian circulation challenging in this area.

### **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 13 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 13 additional single family 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 8.

**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. The pathway shall be constructed of asphalt or concrete (**See Condition #4**).

**4. 2015 Lockwood Non-Motorized Transportation Plan**

The Lockwood Pedestrian Safety District prepared the Lockwood Non-Motorized Transportation Plan in 2015 and it was adopted by the Yellowstone County Board of County Commissioners. The Vision of the Plan is to make “Lockwood a vibrant community with thriving industrial, commercial and residential neighborhoods where people of all ages and physical abilities can travel safely and efficiently without the use of an automobile.” While the current County Subdivision Regulations do not require sidewalks in Lockwood, aside from the language in Section 4.6 C. 15 of the County Subdivision Regulations discussed in Item 3 above, the Plan identifies both coordination with development to install sidewalks in the short term and adoption of an ordinance requiring the construction of sidewalks along all roads in Lockwood area in the next few years. Provision of a sidewalk in the 1<sup>st</sup> Filing of this development and between the San Marino cul-de-sac end and Noblewood Drive meets the intent of the Plan, while lack of provision of a sidewalk between these walkways through the 2<sup>nd</sup> Filing does not meet the intent of the Plan.

**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 (**Condition 2**).

**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, 2<sup>nd</sup> 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**

The Yellowstone County Board of Planning recommends that the Yellowstone County Board of County Commissioners conditionally approve the preliminary plat of Aspen Ridge Subdivision, 2<sup>nd</sup> Filing, and adopt the Findings of Fact as presented in the staff report.

### **ATTACHMENTS**

A: Zoning Map

B: Plat and associated documents