

PROPOSED YELLOWSTONE COUNTY BOARD OF PLANNING
FINDINGS OF FACT

The City/County Planning Staff has prepared the Findings of Fact for the Lipp 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 has been historically used for grazing land and minimal farming. The lands to the south have developed into large parcel residential uses. Lands to the west are used for agricultural production. Lands directly to the north have been developed as a mix of residential and commercial uses. Lands to the east are arid rolling hills with a minimal of grazing on them. This subdivision is creating a total of 10 lots with this filing. The immediate area is not ideally suited to farming large tracts and is generally transitioning out of agricultural use.

Cove Ditch is north of the subject property but passes by the subject property at the north west corner. High Ditch is south of the subject property. Neither ditch crosses anywhere within the boundary of the proposed subdivision.

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 for placement of cisterns and proposed septic system to ensure appropriate separations. This subdivision has received DEQ approval from the previous platting of the 1st Filing. Individual cistern and septic systems will be on each lot with the exception of Lot 7, Block 1 which will have sanitary restrictions. Lots 1 and 2 of Block 3 will have a shared septic system. MDEQ approval for the 2nd Filing will be required prior to final plat approval. **(Condition #1)**

- b. **Streets and roads** – Current access to the subject properties is from Lipp Road and 88th Street West, both roads are State Secondary roads. Lipp Road comes off of 88th Street West and continues on to Buffalo Trail Road to the west. All proposed lots in this subdivision will be accessed off of internal streets and not from Lipp Road or 88th Street West. Access points into the subdivision from Lipp Road, 88th Street West and the new proposed 89th Street West will have to obtain access permits from MDT. The new internal roads are proposed to be public roads and the applicant will need to create and RSID-M for the new road prior to final plat approval. **(Condition #2)**

- 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 20,000-gallon dry hydrant tank is in the Brey Subdivision to the north across Lipp Road within the ½ mile driving distance required by fire regulations. With this 2nd Filing of Lipp Subdivision, Laurel Fire Department has stated that it will be able to use the existing tank in the Brey Subdivision to the north. Any future filing of Lipp Subdivision will require the installation of the 30,000-gallon dry hydrant system.

Proportional reimbursement for the joint use of the dry hydrant system in Brey Subdivision will be made by this applicant as per Section 4.14 (D) of the Yellowstone County Subdivision Regulations. The dry hydrant in Brey Subdivision is maintained by the Home Owners Association, there is no RSID for maintenance to expand with Lipp Subdivision, 2nd Filing. **(Condition #4)**

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 #1)**
- f. **School facilities** – The proposed subdivision is for commercial use only and will have minimal effect on area schools.
- g. **Parks and recreation** – A parkland dedication is not required for this subdivision because it is proposed to be commercial uses only. YCSR Section 10.8.C.
- h. **Historic features** – No known historical or cultural assets exist on the site.
- i. **United States Postal Service** – The USPS has responded to staff and requested that the applicant provide a centralized mailbox on the corner of 89th Street West and Lipp Road for the entire subdivision with on street parking to access the mailbox.

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)**

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.

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 20,000-gallon tank with a dry hydrant system exists in the subdivision to the north, Brey Subdivision, and will be used by this filing for fire suppression purposes. (**Condition #4**)

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 grazing 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. 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 new lots that are for commercial use that is consistent with property to the north.

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

The proposed subdivision does not create any new lot for housing but it will provide commercial development giving more business choices in the neighborhood.

- 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. 2014 Billings Urban Area Long Range Transportation Plan

The subject property is not within the boundary of the Transportation Plan. The subject property has frontage on Lipp Road and 88th Street West. Both roads are the jurisdiction of Montana Department of Transportation (MDT). 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 onto Lipp Road and 88th Street West with the exception of MDT approved access into the subdivision. The internal street in this subdivision is proposed to be public streets.

3. West Billings Plan

The subject property is not within the study area of the West Billings Plan.

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

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]

Utilities for the proposed lots will be placed in locations that are requested by the utility companies. The applicant is showing 8-foot utility easements on the plat on the outer edge of the public right of ways.

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 streets. Access off of Lipp Road and 88th Street West must be approved by MDT.

CONCLUSIONS OF FINDINGS OF FACT

- Lipp 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.