

FINDINGS OF FACT

The City/County Planning staff has prepared the Findings of Fact for the Bar 11 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

The subject property has been historically used for some grazing land but generally has been open grass land. The properties directly south are also mostly dryland grass properties with some houses on very large parcels. Farther east on Bitterroot Drive there is some housing. North and west is more dryland grass areas. This area has not developed for residential use as much as the areas closer to Highway 312.

There are no ditches running through these properties.

2. Effect on local services

- a. **Water and Sewer** – This subdivision is proposing to obtain service from the Height Water District. They are proposing to install a 12 inch mainline from the existing Heights Water Districts tank that is south of the subject subdivision. The applicant is proposing to install the infrastructure with pipes and a pump booster station to get water to the subdivision from the Heights Water District. There will be water lines installed throughout the subdivision that will include fire hydrants for fire suppression purposes. Installation of the water lines and pump will be required to meet all specifications of Heights Water District (**Condition #1**).

Individual septic systems are proposed for sanitary sewer needs. These systems and their location will be reviewed and approved by the Montana Department of Environmental Quality (MDEQ) prior to final plat approval (**Condition #2**).

- b. **Streets and roads** – The proposed subdivision at this time is accessible from Plateau Road that connects to Bitterroot Drive. Because of the size of this subdivision they are required to have 2 ways into and out of the subdivision. They are proposing to connect to Plateau Road from the northeast corner of the proposed subdivision. The proposed second way in and out will be by connecting Bar 11 Drive to Windy Point Way to Bull Park to Hawthorne Lane from the south and east edge of the subdivision. Hawthorne Lane connects to Rawhide Strip; Rawhide Strip intersects with Bitterroot Drive from the west. In Phase 1, this southern connection will be a gravel surface road built to County standards. All proposed lots shall be accessed from new internal roads dedicated to the public. The new roads in the subdivision will be built to County residential paved road

standards, in two phases, within a 60-foot right of way. An RSID-M for maintenance of the new roads will need to be established (**Condition #3**).

There are two proposed roads for this subdivision that are outside the applicants' property, Hawthorne Lane and Bull Park. These two roads are on other people's property and provide a second way in and out of the proposed Bar 11 Subdivision. Hawthorne Lane right of way is required to be able to install a water line since Heights Water District requires that all of its water lines are within road rights of way. Hawthorne Lane itself could be built at a later date, if the properties it goes through are developed in the future. Bull Park is the road that the applicant is using to provide a second way into and out of the subdivision. This road is proposed to be another main road into the subdivision, which is required by Yellowstone County Subdivision Regulations and the BUFSA. This road also runs through other people's property, but is a benefit to this applicant and is required for the development. Before final plat approval of Bar 11 Subdivision, the applicant will be required to dedicate or provide via public easement to the public (Yellowstone County) rights of way for Bull Park and Hawthorne Lane (**Condition #4**).

The Traffic Impact Study (TIS) that was submitted with this proposed subdivision used existing traffic conditions on Bitterroot Drive and Rawhide Strip to Hawthorne Lane. All traffic would come off of Bitterroot Drive from Highway 312. At full build out, residents of Bar 11 subdivision would be able to get to the subdivision by either using access from Bitterroot Drive onto Rawhide Strip or from Bitterroot Drive onto Plateau Road.

In the summary of the Traffic Impact Study it states; 'The development of Bar 11 Subdivision would have no impacts on the surrounding roadway system.' The findings state that the impact of this subdivision on the road system in the area would cause the system to remain operating at an acceptable level of service of B or better.

c. **Fire and Police Services** – The property is within the Billings Urban Fire Service Area (BUFSA) jurisdiction and the BUFSA 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 needs. This subdivision proposes to have Height Water District service throughout and will provide fire hydrants as required by BUFSA throughout the subdivision. This proposed subdivision is being done in two phases. With the construction of Phase 1, the applicant will be providing an access to provide a second way into the subdivision. The second access will be a gravel road from the intersection of Windy Point Way and Bar 11 Drive out through Bull Park to the existing Hawthorn Lane. This road will meet the requirements of BUFSA and Yellowstone County Subdivision Regulations for a secondary access into the subdivision. This road will be paved with the completion of Phase 2.

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** – All storm water drainage shall satisfy storm water management requirements and specifications of MDEQ. The water is proposed to be absorbed on-site in the ditches along the paved road within the public right-of-way (**Condition #2**).
- f. **School facilities** – The proposed subdivision is located in School District #52 for Elementary, Independent School, and School District #2 for Middle School, Medicine Crow, and High School, Skyview. Independent Elementary School responded that they have additional capacity for more students. The proposed subdivision is not on an existing bus route and they will not be establishing one. Staff received comments from Skyview High School stating they have additional capacity for students. They also do not have a bus route in the area and will not be establishing one. Staff did not receive comment from Medicine Crow Middle School at the time this staff report was written.
- g. **Parks and recreation** – This proposed subdivision is required to provide park land for the subdivision based on the size of the lots. Pursuant to Section 10.2, YCSR and 76-3-621, MCA the amount of park land required is a total of 17.4 acres, the applicant is proposing to dedicate 18.22 acres. They are proposing a large park on the west edge of the subdivision and a smaller one on the east edge of the subdivision. The applicant will need to create a County Park Maintenance District for maintenance of the new parks in the subdivision (**Condition #5**).
- h. **Historic features** – No known historical or cultural assets exist on the site. The land has been dry land grass acreage for many years.
- i. **Mail Delivery** - The United States Postal Service will provide postal service to the subdivision and has requested the installation of centralized mailbox units (CBUs). The developer will work with the USPS to identify appropriate locations of CBUs prior to final plat approval (**Condition #6**).
- j. **Phasing** – The subdivider is planning to develop this property in two phases. Phase one includes Lots 1-10, Block 1; Lots 1-18, Block 2; Lots 1-11, Block 3; Lots 1-18, Block 4; Lots 1-19, Block 5; Lots 1 & 12, Block 6; Lots 1 & 12, Block 7 and Lots 1-4, Block 9. Internal road that will be built in Phase 1 include Plateau Road from Bitterroot Drive to Lot 2, Block 6; Muckle Trail from the intersection of Bar 11 Drive to Lot 11, Block 6; all of Big Cedar Way; Bar 11 Drive from the

intersection of Plateau road to Lot 11, Block 7 and all of Derby Avenue. Also included in Phase 1 the applicant will be buildings a gravel road, built to County standards, from the intersection of Windy Point Way and Bar 11 Drive out through Bull Park to the existing Hawthorn Lane. This road will meet the requirements of BUFSA and Yellowstone County Subdivision Regulations for a secondary access into the subdivision. This road will be paved with the completion of Phase 2.

Phase two includes Lots 11-20, Block 1; Lots 2-11, Block 6; Lots 2-11, Block 7; Lots 1-6, Block 8; Lots 5-17, Block 9; Lots 1-25, Block 10 and Lots 1-4, Block 11. Phase 2 will complete the paving of the remaining roads in the subdivision including Bull Park and complete a paved connection to Hawthorne Lane.

See attached map for the proposed phases. The subdivider will be providing all the needed paperwork for the phased development of this subdivision prior to final plat approval.

3. Effects on the natural environment

The development will use noxious weed control measures to prevent the spread of noxious weeds to adjacent developed. 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 species on the property. Montana Fish, Wildlife, and Parks (FWP) responded to a request for review and comment on the proposed subdivision. It stated that there are deer and antelope in the area and homeowners should be made aware that unless they take steps to deter animals such as fencing their yards they may experience damage problems. A paragraph 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 will be reviewed and approved by MDEQ prior to final plat approval. Fire and emergency services are provided for this proposed 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 (EA) was not required for this subdivision pursuant to Section 9.2 C 3. It is within a zoned area of the county and in an area where a growth policy has been adopted.

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 162 lots of approximately .5 acres to just over 4 acres 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 to the east of the proposed subdivision.

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

The proposed subdivision will create 162 additional lots in this area.

2. 2014 Billings Urban Area Long-Range Transportation Plan

The subject property is within the study area of the Transportation Plan. The subdivision itself is not identified on the Transportation Plan Map. Bitterroot Drive is identified as a minor arterial in the area. All streets in the subdivision will be local residential streets and not part of the hierarchy of streets identified by the Long-Range Transportation Plan.

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

The subject property is outside the study area for the Billings Area Bikeway and Trail Master Plan. The applicant is not proposing any bike trails in the subdivision. The applicant is providing a 20-foot-wide easement for future connection to the south. This easement will allow future trail connection to the south and could provide a trail to students going to Independent School south of this subdivision.

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 must receive approval from MDEQ for the proposal to make use of the proposed community water system and septic systems for the new lots, 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 in the County's zoning jurisdiction and is zoned Residential 9600, this zoning has requirements for structure setbacks from property lines, lot coverage and maximum heights. There is a paragraph in the SIA that alerts future home owners of the need for a zoning compliance permit.

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 private utilities to the subdivision and be accompanied by easement documents (**Condition # 8**).

**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 the new public internal streets, which originate off of Bitterroot Drive.

CONCLUSIONS OF FINDINGS OF FACT

- The Bar 11 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 2014 Transportation Plan and the BABTMP.
- 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 Bar 11 Subdivision and adoption of the Findings of Fact as presented in the staff report.

Subject Property

