

FINDINGS OF FACT

The City/County Planning staff has prepared the Findings of Fact for the Van Arsdale 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 is not currently used for agricultural purposes although it does have an existing water right on the property. The property is covered with native grasses at this time. The applicant is planning to abandon the water right on the land. 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** – This subdivision is not near any services provided by the City of Billings. The applicant is proposing to install a multi-user water supply well for this subdivision that will serve all 9 lots. It will be designed to meet the requirements of Section 4.9 of the Yellowstone County Subdivision Regulations (YCSR). It will also meet the requirements set out by MDEQ for a community water system. There will be a Home Owners Association (HOA) created to maintain the community water system. This is all lined out in the SIA under section VI Utilities. Individual septic systems are proposed for each of the lots. There is an existing system on Lot 1 that will be relocated when this subdivision develops. 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. **(Condition #1)**

- b. **Streets and roads** – The proposed subdivision is located on the east side of 48th Street West just south of Lewis Avenue. Forty Eighth Street West is a paved county road. Lewis Avenue is an unpaved road that is a dead end street off the east side of 48th Street West. The applicant will be building a paved road that will be entirely on the subdivision property. The section of Lewis Avenue from 48th Street will be built on the north side of a 60-foot-wide road easement and will remain a public road. It will then turn south to a private road, Van Arsdale Circle, into the subject subdivision to provide access for all proposed lots within the subdivision. Van Arsdale Circle will be a private road. The road will be built to County Road Standards. The private road will be maintained by the home owners though and HOA that will be created with the final plat. **(Condition #2)**

- c. **Fire and Police Services** – The property is within the Billings Urban Fire Service Area (BUFSA). 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. There is a pressurized fire hydrant within ½ driving mile of the proposed subdivision as required by YCSR. The pressurized hydrant is approximately 1,650 feet from the proposed

subdivision. The applicant needs to add language in the SIA concerning the water supply to meet the requirements of BUFSA. **(Condition #3)**

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 and Yellowstone County. The applicant is proposing to use the standard County Road Cross section with road side swales and natural percolation to handle the storm water requirements. **(Condition #1)**
- f. **School facilities** – The proposed subdivision is located in Billings School District #2, Meadowlark Elementary School, Ben Steele Middle School, and West High School will serve residence in this subdivision. School District #2 responded that Meadowlark and West are already over capacity with students but that Ben Steele is currently under capacity for student population. There is a bus route in the area that could service this subdivision.
- g. **Parks and recreation** – This subdivision is required to provide parkland dedication for the 9 lots, all but one of the lots is just over 20,000 square feet. The applicant would be required to provide 0.55 acres of land for parkland. The applicant is choosing to provide a cash in lieu contribution in place of the parkland dedication. The applicant will follow the requirements of Section 10.6 of the YCSR to determine the cash contribution amount. **(Condition #4)**
- h. **Historic features** – No known historical or cultural assets exist on the site.
- i. **United States Postal Service (USPS)** - The USPS has responded that they will require a centralized delivery box system and that there be enough space that the delivery vehicle will be able to pull off the road safely. The applicant will coordinate that location with the USPS prior to final plat approval. **(Condition #5)**

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 #6)**

MDEQ will review and approve the new proposed septic systems and storm water management facilities to ensure any impacts of the development are mitigated.

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 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 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. Effects on public health and safety should be minimal.

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 because it is within a zoned area of the County.

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. **West Billings Plan** – The proposed subdivision is in an area of Billings that is zoned and surrounding property is developed for residential uses. The Future Land Utilization Map from the West Billings Plan shows the area where this subdivision is proposed as a Residential Development area.

2. Yellowstone County 2008 Growth Policy

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

This subdivision will create 9 lots with all lots near 20,000 square feet, with the exception of one lot, 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 many similarly sized lots containing single-family homes in the surrounding neighborhood near the subject property.

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

The proposed subdivision will create 9 additional lots in this area for housing.

3. 2014 Billings Urban Area Long Range Transportation Plan

The subject property is within the boundary of the study area of the Transportation Plan. 48th Street West is identified as a principle arterial street. There is adequate road dedication

for the proposed street type along the west edge of the proposed subdivision. New lots will be served by an internal private street; the appropriate amount of right-of-way is being provided with this plat.

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

The subject property is within the jurisdiction of the BABTMP. There is a proposed long-range bike lane along 48th Street West. This subdivision will not be required to install any bike lanes along 48th Street West. There are no bike lanes identified within the proposed 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 shall receive approval from MDEQ for the proposal to make use of a community water well system and individual septic systems for the new lots.

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; the proposed lots do meet the requirement for lot size required by existing zoning. The applicant will add a paragraph in the SIA under Conditions That Run With The Land stating that lot owner will obtain a Zoning Compliance Permit prior to any construction on individual lots. (**Condition #7**)

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 private utility companies. The submitted SIA states there is an 8-foot utility easement from 48th Street West going into the proposed subdivision. Applicant will coordinate with private utility companies to provide needed easements within the proposed subdivision. (**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 Lewis Avenue and Van Arsdale Circle.

CONCLUSIONS OF FINDINGS OF FACT

- The Van Arsdale 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 parts of four different plans, the West Billings Plan, 2008 Yellowstone County Growth Policy, 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 Van Arsdale Subdivision and adoption of the Findings of Fact as presented in the staff report.