

## FINDINGS OF FACT

The City/County Planning staff has prepared the Findings of Fact for the Eco Built 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** – This subdivision is not near any services provided by Lockwood. The applicant is proposing to install multi-user water supply cisterns for this development that will serve groupings of units. The developer is proposing to build homes in groupings or phases, each group or phase will be required to obtain MDEQ approval before construction begins. 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. **(Condition #5)**

Community septic systems are proposed for this development also. The developer is proposing to build homes in groupings or phases, each group or phase will be required to obtain MDEQ approval before construction begins. Location and design of the septic systems will be reviewed and approved by the Montana Department of Environmental Quality (MDEQ). **(Condition #5)**

In the condominium documents the applicant will outline which units are connected to specific cisterns and septic systems. They will also outline that those units are responsible for the maintenance of the cistern and septic system that they are connected to. **(Condition #1)**

- b. **Streets and roads** – The proposed subdivision is located on the south side of Old Hardin Road just east of Emerald Hills Drive. Old Hardin Road is a gravel surface road in the county. Access will be taken off of Old Hardin Road to serve the proposed development. The applicant will be building private roads within the development for access to each unit on the property. The roads within the development are proposed to be private roads. They will be 24-foot gravel surface roads built to County Standards. In the SIA under III Transportation A. Streets, the applicant will add language that outlines the gravel surface roads and the standards to which they will be built. **(Condition #2)** There will be a Home Owners Association (HOA) created to maintain the private internal roads. **(Condition #3)**

This proposed development, when fully built out, will have impacts on Old Hardin Road, a gravel surface road. To determine the impacts of the traffic on the gravel surface road the applicant will provide a Road Evaluation Study for Unpaved Roads, YCSR Section 4.6.C.4. (**Condition #4**)

- c. **Fire and Police Services** – The property is within the Lockwood Fire Service Area. 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 dry hydrant within the existing Eco Built Subdivision that was installed with the 1<sup>st</sup> Filing. This dry hydrant will serve the new proposed development within Eco Built Subdivision 2<sup>nd</sup> Filing. The RSID-M will be expanded to include the new development.

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. As outlined in the SIA under V Storm Drainage. Storm water management will be approved by MDEQ prior to final plat approval. (**Condition #5**)
- 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, Skyview. School District #2 responded that they have more capacity at Skyview for students. Lockwood School District, staff did not receive a response from Lockwood School District.
- g. **Parks and recreation** – This subdivision is required to provide parkland dedication for the 80-unit development. The applicant would be required to provide 1.55 acres of land for parkland. The applicant states they will be providing 1.6 acres of private park land. This proposal of private parkland will need to be acceptable to the County Park Board. (**Condition #6**) The HOA will be maintaining the park land as outlined in the SIA under VII Parks/Open Space.
- h. **Historic features** – No known historical or cultural assets exist on the site.
- i. **United States Postal Service (USPS)** – The USPS in their response for comments has requested that the applicant provide a centralized delivery box that will provide a safe pull off area for delivery of the mail. (**Condition #7**)
- j. **Phasing** – The applicant is proposing to develop this project in phases. With each phase there would be roads to be constructed, septic systems and water cisterns that would need to be approved by MDEQ prior to the release of each phase. Because this is a

subdivision for condominium development the phases will be defined with an exhibit rather than defined by lots and blocks.

Specifics of the proposed phasing and what improvements and contributions will be required with each phase will be identified in the SIA under the heading **PHASING IMPROVEMENTS**. The applicant will also be required to submit a Declaration of Restriction on Transfers, a Release and a Certificate for each phase. **(Condition #8)**

### **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, as mentioned in the SIA, under VIII Weed Management.

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 (MFWP) 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 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 required for this subdivision because it is outside zoning in the county. There was no endangered animal habitat identified and no known habitat disturbance identified of other common animals known to the area within the report.

### **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. **2016 Lockwood Growth Policy** – The proposed subdivision is in an area of Lockwood that is not zoned but surrounding property is developed for large lot residential uses. The Preferred Future Land Use Map for the Lockwood Area in the 2016 Growth Policy shows

the area where this subdivision is proposed as Agricultural Suburban which takes in most of Emerald Hills Subdivision.

**Growth Guideline:** *Consider constructing private and public improvements to higher design standards in the more densely developed area.* The applicant is proposing to have walking trails and green space for those living in the development to provide outdoor activity areas for the residents.

**2. 2014 Billings Urban Area Long Range Transportation Plan**

The subject property is outside the boundary of the study area of the Transportation Plan. The proposed development will be served by internal private streets.

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

The subject property is not within the jurisdiction of the BABTMP.

**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 outside the County's zoning jurisdiction; there are not requirements for lot size or land use outside the zoned area of the county.

**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 applicant will coordinate with private utility companies to provide needed easements within the proposed development. **(Condition #9)**

**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 Old Hardin Road.

**CONCLUSIONS OF FINDINGS OF FACT**

- The Eco Built Subdivision 2<sup>nd</sup> Filing, anticipating condominium development 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 a goal of the 2016 Lockwood Growth Policy but does not meet others.
- 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 Eco Built Subdivision, 2<sup>nd</sup> Filing, anticipating condominium development and adoption of the Findings of Fact as presented in the staff report.