

## FINDINGS OF FACT

The City/County Planning staff has prepared the Findings of Fact for Southview Sanctuary Estates Subdivision, Amended Plat of Lot 12B. 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 consisting of approximately 19.324 acres is currently used for agricultural purposes. The subdivision should not affect agricultural water users' facilities as there are no facilities within the plat boundary.

#### **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 individual wells for this subdivision that will serve all 10 lots. It will also meet the requirements set out by MDEQ for approval of individual wells. Maintenance of the wells will be the responsibility of the individual lot owners. This is outlined in the SIA under section VI. Utilities. 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. **(Condition #1)**
  
- b. **Streets and roads** – The proposed subdivision is located on the east side of 56<sup>th</sup> Street West South of Interstate 90. Fifty Sixth Street West is a paved county road. The proposed street for the subdivision will be a 28' wide public street constructed to County Standards. It will consist of a 24' wide paved surface with a 2' wide gravel shoulder. Right-of-way width will be 60' as shown and dimensioned on the plat. The public street will connect to 56<sup>th</sup> Street to the west and Elk River Road to the northeast. **(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. The applicant has proposed the use of an existing dry hydrant within ½ road mile. The RSID-M currently established for the existing hydrant will be expanded to include the 10 new lots. **(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, Canyon Creek Elementary School, Canyon Creek Middle School, and West High School will serve residence in this subdivision. School District #2 responded that West High School is over capacity.
- g. **Parks and recreation** – This subdivision is required to provide parkland dedication for the 10 lots. The applicant is proposing private parkland consisting of 7.342 acres in the southeast corner of the subdivision. **(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 has been approved by the Yellowstone County Weed Department.

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)**

A portion of the subdivision is located in Special Zoning District 20. A majority of the property is unzoned, thus an environmental assessment was required.

**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 2008 Growth Policy**

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

*This subdivision will create 10 lots for single family residences. These lots will be smaller than adjacent lots, however, the general vicinity to the east has developed with similar lots sizes and the area to the northwest, known as Curly Willow Subdivision has developed in condominiums.*

- **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 10 additional lots in this area for housing.*

**3. 2014 Billings Urban Area Long Range Transportation Plan**

The subject property is not within the boundary of the study area of the Transportation Plan, however, 56<sup>th</sup> 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 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 for individual well and septic systems

**F. Does the proposed subdivision meet any applicable Zoning Requirements? [Section 3.2(H)(3)(e), YCSR]**

A portion of the proposed subdivision lies within the current boundary of Special Zoning District #20. The intent of this zoning district is “to allow residential development on small lots and to control scattered intrusion of uses not compatible with a residential environment.” The proposed lot sizes exceed the minimum lot size requirement.

**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 utilities will be placed in the public right of way. **(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 Sanctuary Estates Road that will connect 56<sup>th</sup> street West and Elk River Road.

## **CONCLUSIONS OF FINDINGS OF FACT**

- The proposed 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 the 2008 Yellowstone County Growth Policy.
- The applicant has complied with the MSPA and YCSR processes and the subdivision conforms to the law requirements.

## **RECOMMENDATION**

Staff recommends, the Planning Board recommend to the Board of County Commissioners conditional approval of Southview Sanctuary Estates Subdivision, and the Findings of Fact as presented in the staff report.