

## PROPOSED FINDINGS OF FACT

The City-County Planning Division Staff has prepared the Findings of Fact for West Meadows Subdivision, 2nd Filing. These findings are based on the preliminary plat application and supplemental documents addressing 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 and 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 currently vacant land with some grasses and wildland shrubs. There is some housing in the area. The Cove Ditch runs through the land but the land is not used for agricultural purposes. There will be a 66-foot-wide easement placed over the Cove Ditch for maintenance purposes. Maintenance will be done by the Cove Ditch Company. The proposed housing will not interfere with the Cove Ditch or any agricultural water users' facilities.

#### **2. Effect on local services**

a. **Water and Sewer** –The subdivision is not served by a municipal water district. The applicant is proposing cisterns for water on each lot. The system will be required to be reviewed and approved by MDEQ prior to installation or final plat approval. Each cistern will be maintained by the lot owner. **(Condition #1)**

The subdivision is not served by a municipal sewer district. Each lot will have a septic drain area with area for a replacement drain field. Location for each system will be required to be reviewed and approved by MDEQ prior to installation or final plat approval. Each drain field will be maintained by the lot owner. **(Condition #1)**

b. **Streets and roads** – The subdivision has Whistler Way along the west edge, Central Avenue is to the north with Monad Road to the south. The proposed internal roads will be 60-foot-wide road dedications with access for each lot. The applicant will be building the roads to current county road standards with drainage swales alongside the roads. Drive access into each lot will be required to install culverts under the drive to provide for water drainage. The applicant will be providing all needed street signs within the subdivision and any traffic control signs that may be required. The applicant will also either expand existing RSID for road maintenance or create a separate one for the new subdivision roads. **(Condition #2)**

There will be a secondary emergency access out of the proposed new subdivision. Central Avenue will be built to the west to connect with Homewood Park Drive. It will be built to Emergency Secondary Access Road standards outlined in the Yellowstone County Subdivision Regulations. It will proceed north to the southeast corner of Century Hills Ranchettes Subdivision. The emergency access will be gated to prohibit daily use. Access to the proposed subdivision will be from Whistler Way and Central Avenue.

Details of the proposed construction of the streets is outlined in the SIA under **XI Staging of Improvements**. Each phase will construct additional roads and infrastructure for the proposed development.

c. **Fire and Police services** – This subdivision is within the Laurel Fire Department jurisdiction. The original subdivision has a fire suppression system installed along Monad Road approximately .38 miles east of South 80<sup>th</sup> Street into the subdivision. It is a lined detention basin that collects water and can be filled with water from the Cove Ditch. There is a pull out area with a fire hydrant for fire trucks to connect to for obtaining water out of the pond. When this was installed the regulations allowed the water source in this location but it does not meet the current regulations. The applicant has asked for a variance from the current fire suppression ‘maximum distance from fire suppression water supply’ which is ½ road mile. The current system is greater than ½ road mile to the farthest lot in the new subdivision layout. Staff is recommending denial of the requested variance. **(Condition #3)** Further explanation and analysis can be found in Attachment A.

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** – Storm water drainage shall satisfy Yellowstone County Storm Water Management requirements and DEQ. Storm water will be handled by drainage along the road sides in swales and through culverts. The applicant will be required to submit proposed stormwater management plans for review and approval to DEQ. **(Condition #1)**

f. **School facilities** – The proposed subdivision is located in the Elder Grove school district for K-8, it is served by West High School for 9-12. Elder Grove School has additional capacity and will be increasing their capacity with a new middle school in the not too distant future. West High School reports that they are over capacity at this time. West did not indicate if there was an existing bus route in the area at this time.

g. **Parks and recreation** – This proposed subdivision currently has parkland dedication from the initial subdivision of the land, the park will remain in place as previously platted.

h. **Postal Service** – The USPS has requested additional boxes be added to the one that already exist on South 80<sup>th</sup> Street and Monad. The applicant will coordinate with the USPS to install the centralized box system to ensure it is located correctly and there is adequate room for the postal person to safely stop to make deliveries. **(Condition #4)**

i. **Historic features** – No known historical or cultural assets exist on the site.

j. **Irrigation** – The Cove Ditch runs through this subdivision and there is a 66-foot-wide easement currently in existence for the ditch enabling the ditch company to perform maintenance on the ditch. The applicant is proposing to install an irrigation pond in the public park and

provide a piping infrastructure to the homes for yard irrigation purposes. The applicant is discussing the proposal with the area ditch companies to obtain water for the proposed irrigation pond. Should the applicant be successful with obtaining water for the pond they will need to obtain permission from the County Park Board for the proposed pond in the public park.  
**(Condition #5)**

k. **Phasing** - The applicant is proposing to develop this subdivision in phases.

Phase I included Lots 6 through 8, Block 1 and Lots 4 through 6 and 17 through 19, Block 2. Lots 1 through 5, Block 1 and Lots 1 through 3, Block 2, 17 lots in total.

Phase II includes Lots 10 through 12, Block 8, Lots 1 through 3, block 6, Lots 1 through 6, Block 5, Lots 1 through 3, Block 4 Lot 1, Block 3 and Lots 1 through 6, Block 7, 22 lots in total.

Phase III includes Lots 7 through 16, Block 2 and Lots 1 and 2, Block 7, 12 lots in total.

Phase IV includes Lots 1 through 6, Block 8, 6 lots in total.

Specifics of the proposed phasing and what improvements and contributions will be installed with each phase is identified in the SIA under the heading XI. Staging of Improvements.  
**(Condition #6)**

Recent legislation in the state of Montana requires that developers proposing to do phasing in the subdivision are required to set a date when they plan to proceed with each phase. Phase 1 will begin when the developer has final plat approval which is shown as December 2019. The developer has provided proposed dates for phase 2, 3 and 4. Phase 2 is proposed to begin in December 2021, Phase 3 is proposed to begin in December 2023 and Phase 4 is proposed to begin in December 2025.

At these three dates the applicant is required to go through a public hearing to open the phases. At that public hearing there is the possibility of additional conditions of approval being added to the original conditions of approval. Should the applicant not meet these date they must propose new dates, at a public hearing, for the phases to begin.

### **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. According to SIA Section IX., Weed Management, the developer will submit a weed management plan 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 or threatened species on the property. A paragraph in the 'Conditions that Run with the Land' section of the SIA warns future lot owners of the likely presence of wildlife in the area and their potential to damage residential landscaping.

## **5. Effects on public health and safety**

Plans and designs for the water and septic system 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 from Laurel Fire Department and the Yellowstone County Sheriff's department.

### **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 was completed for this subdivision and there were no identified issues with the land. The land does not have unique wildlife habitat on it and does not have any historically significant landmarks or known events that have taken place on the property. The land is identified as grass land good for grazing but not suitable for farming uses. There are no known environmental issues with the land that would preclude it from being developed for residential use.

### **C. Does the subdivision conform to the Yellowstone County 2008 Growth Policy, the 2014 Billings Urban Area Transportation Plan and the Billings Area Bikeway and Trail Master Plan Update? [BMCC 23-302.H.4.]**

#### **1. Yellowstone County – City of Billings 2008 Growth Policy**

The subdivision is consistent with the following goals of the Growth Policy:

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

*The subdivision is consistent with the low density residential development surrounding it.*

- Goal: New developments that are sensitive and compatible with the character of adjacent County town sites. (p. 6)

*There is residential development directly adjacent to the subject property.*

- Goal: Controlled weed populations. (p. 9)

*The developer shall complete a weed management plan, and shall provide a re-vegetation plan for any ground disturbed by development.*

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

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

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

The proposed subdivision is not within the study area of the BBTMP.

### **D. Does the subdivision conform to the Montana Subdivision and Platting Act (MSPA) and to local subdivision regulations? [MCA 76-3-608 (3) (b) 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 prior to final approval. New parcels are subject to DEQ review.

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

The proposed subdivision is outside zoning.

**G. Does the subdivision provide for necessary planned utilities? [MCA 76-3-608 (3) (c) and Section 3.2 (H) (3) (b), YCSR]**

Utility easements are provided alongside the road right-of-way as requested by private utility companies. The applicant will be required to coordinate the easements needed for the private utility companies. **(Condition #8)**

**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 the new proposed lot from Whistlers Way..

**CONCLUSIONS OF FINDINGS OF FACT**

- This 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, and can be mitigated by reasonable conditions of final plat approval and the denial of a variance request.
- The subdivision conforms to some of the goals of the Growth Policy.
- The applicant has complied with the MSPA and YCSR processes and the subdivision conforms to the law requirements.