

**PROPOSED YELLOWSTONE BOARD OF COUNTY COMMISSIONERS**  
**FINDINGS OF FACT**

The City-County Planning Division Staff has prepared the Findings of Fact for Shop World 1 Subdivision. 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 used for agricultural purposes. North of the subject property is Canyon Creek. High Ditch crosses the south west corner of the subject property. In the SIA under the heading Irrigation it states that there are no water rights that go with the land but that the farming operation has always purchased water shares from the Big Ditch Company. Irrigation ditches that exist will not be disturbed by development. No water rights can be transferred to the lot owners within the subdivision but water shares will still be purchased and each lot will contribute a set monthly amount for payment to utilize water shares from the ditch company for outdoor irrigation purposes. The HOA will be collecting monthly payments for the water shares from each lot owner as defined in the SIA under the heading VIII. Irrigation.

**2. Effect on local services**

a. **Water and Sewer** –The subdivision is not served by a municipal water or sewer district. For household water use the applicant is proposing 1500 gallon cisterns on the two residential lots. There will be no water systems on the 187 commercial lots within the subdivision. The applicant is proposing to have septic systems on the two residential lots. There will be no septic system on the 187 commercial lots within the subdivision. Both the cisterns and the septic systems will need to be in accordance with Section 4.9 of the Yellowstone County Subdivision Regulations and will need to have MDEQ approval. **(Condition #1)**

b. **Streets and roads** – The subdivision has South 80<sup>th</sup> Street west on the east side of the proposed subdivision. King Avenue West is on the north edge of the proposed subdivision. King Avenue West is a state secondary road at the location of this subdivision. Any access off of King Avenue West will have to be approved by MDT. South 80<sup>th</sup> Street West is a Principal Arterial and is the jurisdiction of Yellowstone County. Any access off of South 80<sup>th</sup> Street West will have to be approved by Yellowstone County. All internal roads of the proposed subdivision will be private roads and will have 60-foot-wide rights of way. The roads will be built to Yellowstone County paved road standards with 24 foot paved surface and 2-foot gravel shoulders on each side. The applicant will be creating an HOA for the maintenance of the roads within the subdivision. **(Condition #2)** Easement documents for the private roads within the

subdivision will need to have language in them that will allow for emergency vehicle access and other county vehicles that may be required in the subdivision for maintenance purposes. The easement will also have to include language that will allow additional burden on the roads should the property to the south develop and connect to this subdivision. **(Condition #3)**

c. **Fire and Police services** – The property is within the Laurel Fire Jurisdiction. The subdivision will provide a 30,000-gallon water storage/dry hydrant for fire suppression. It will be located on the east side of Fire Tank Street on the south side of the subdivision. The applicant will install the dry hydrant system to the Laurel Fire Department standards and have it tested and approved before final plat. **(Condition #4)** The land around the dry hydrant tank is proposed to be a public easement. This will place it on public land where the applicant will create an RSID-M for the maintenance of the system. Two of the proposed lots, 188 and 189 will be served by the fire suppression system within Tanglewood Estates Subdivision. It is also stated in the SIA under the heading IV. Emergency Service, in the last paragraph, that the Laurel Fire Department maintains an agreement with the Yellowstone Boys and Girls ranch to use a 40,000-gallon water tank for fire suppression for surrounding properties. Lots 188 and 189 are within one half mile of this system. The applicant will need to provide verification from the Laurel Fire Department that these two lots are able to utilize the 40,000-gallon fire suppression system. **(Condition #5)** Should there be an RSID-M for these above mentioned systems the applicant will add Lots 188 and 189 to those for maintenance. **(Condition #6)**

The Yellowstone County Sheriff's Department will provide law enforcement services. The Department stated that with this number of lots being created that the sheriff's office may need to add a deputy to augment current patrols.

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 collected on site using a combination of roadside ditches and drainage swales as well as storm detention facilities proposed within the development. This will have to be reviewed and approved by the DEQ to ensure the proposed stormwater management is feasible and will work satisfactorily. **(Condition #1)**

f. **School facilities** – The proposed subdivision is located in the Elder Grove School for Elementary and Middle School age students. Elder Grove School stated they currently have capacity for additional students. They also stated that they are in the process of building a new Middle School so they will have increased capacity when that building is completed. High School Students would go to West High School. West High School is currently over capacity.

g. **Parks and recreation** – This proposed subdivision is not required to provide

parkland. All of the lots with the exception of 2 lots is a commercial development and 2 residential lots do not have to provide parkland dedication.

h. **Postal Service** – The applicant will be required to coordinate the location of the delivery boxes and provide enough space for the delivery vehicle to pull out of traffic for safety. **(Condition #7)**

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

### **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 #8)**

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 Volunteer 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 required for this subdivision. This property has historically been used as farm land. Some areas are native grasslands that are north of the subdivision and west of the proposed subdivision. Because of the disturbance of the native land from use as farmland there was no identified wild life habitat on the land. There are some birds and the possibility of some small animals near the ditches but there were no known large animal habitat areas on the land.

## **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 - 2008 Growth Policy**

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

- Goal: Improved public services and facilities. (p. 7)

*The subdivision will provide a service that is becoming more common in Yellowstone County.*

- 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 outside the study area of the Transportation Plan. As proposed there are only neighborhood streets associated with this subdivision.

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

The proposed subdivision is outside the study area of the BBTMP. The subdivider will not be required to provide for any bike lanes or trails.

### **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 of 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 Yellowstone Valley Electric Cooperative, MDU and Century Link. The applicant will be required to coordinate the easements needed for the private utility companies. (**Condition #9**)

### **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 lots from King Avenue West and South 80<sup>th</sup> Street West. All the lots within the subdivision will have access to the new proposed internal roads.

### **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.
- 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.

### **RECOMMENDATION**

Staff recommends that the Planning Board recommend conditional approval of the preliminary plat of Shop World 1 Subdivision, to the Board of County Commissioners, and adopt the Findings of Fact as presented in the staff report.