

PROPOSED YELLOWSTONE BOARD OF COUNTY COMMISSIONERS
FINDINGS OF FACT

The City-County Planning Division Staff has prepared the Findings of Fact for Bar Eleven Estates 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 not used for agricultural purposes, it is dryland grasses and shrubs. There are no agricultural water users' facilities near the subject property or agriculture activity. In the SIA under the heading Irrigation it states that there are no irrigation ditches within the subdivision.

There will be no impacts from this subdivision on agriculture activities or uses.

2. Effect on local services

a. **Water and Septic** –The subdivision is served by County Water District of Billings Heights. For household water use, the applicant is proposing to install an 8-inch water line within the proposed right of way, Yuzu Circle, connected to the existing 12-inch water line in Plateau Road. Lot 1 of the proposed subdivision has an existing well on the property. All lots with street frontage will have water lines to them and there will be multiple water stubs for the condominium development on lots 5 and 6.

There are currently 3 existing individual on-site septic systems within the proposed subdivision. The applicant is proposing an individual on-site septic system for proposed Lot 3. A community on-site septic system shall be installed in the parkland to serve the condominium development on Lots 5 and 6. The community system will be placed in the parkland area with an easement over it for any future needed access for repair and maintenance purposes. The parks department is aware of this proposal and state they are good with the proposal.

The proposed water systems and the septic systems will need to be reviewed and installed 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 will have a road, Yuzu Circle, connected to Plateau Road. This road will be a public road and will be built to Yellowstone County road standards. An RSID will be created for the new road as outlined in the SIA under the heading III Transportation A. Streets. Before construction of the new road, the applicant will have to obtain an access permit from the county and any future accesses off the new internal road will be required to obtain an access permit before construction of a

residence. This requirement is mentioned in the SIA under the heading Conditions That Run With The Land, H. Sidewalks will be built to meet the requirements of the subdivision regulations. The applicant in the SIA states that the developer will install some portions of the sidewalk that do not have houses along the length of road but that individual homes will be required to build sidewalk with construction of the homes. This requirement needs to be included in the Conditions That Run With The Land. **(Condition #2)** An easement document will need to be provided to allow access to the public park on a portion of Lot 3. **(Condition #3)**

c. **Fire and Police services** – The property is within the Billings Urban Service Area (BUFSA). The subdivision has access to public water so they will be installing fire hydrants in locations required by fire code and approved by BUFSA.

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. A storm water plan 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 Independent School District for Elementary age students. At the time of writing this report, staff had not receive any comments from Independent School District concerning this proposed subdivision. School District #2 will provide educational services for Middle and High School students, Medicine Crow for middle and Skyview for high school. At the time of writing this report, staff has not received any comment from School District #2.

g. **Parks and recreation** – This proposed subdivision is required to provide parkland. Because of the different types of housing and lots being proposed for this subdivision, condominium and single lots, the parkland dedication is broken down into three different calculations. The applicant has done that in the SIA under the heading VIII. Parks/Open Space. The total required parkland dedication is 0.811 acres. The applicant is proposing to dedicate 3.198 acres. Within the parkland dedication, a community drain field for proposed Lots 5 and 6 will be installed. There will be an easement over the drain field that will allow access for repairs and maintenance.

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 #4)**

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 #5)**

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 BUFSA 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 not required for this subdivision pursuant Section 9.2 C of the County Subdivision Regulations.

C. Does the subdivision conform to the Yellowstone County 2008 Growth Policy, the 2019 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 new homes in an area of the county that is growing and there is public water service that is good for future development.

- 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. 2019 Urban Area 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 within Residential 9600 zoning.

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

Private utilities are to be installed in the public road right-of-way by North West Energy and MDU. Should the private utility companies require easements the applicant will be required to coordinate the easements needed with the private utility companies.
(Condition #6)

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 Plateau Road for all lots. The internal street, Yuzu Circle, will provide access to Lots 3, 4, 5 and 6

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 Bar Eleven Estates Subdivision, to the Board of County Commissioners, and adopt the Findings of Fact as presented in the staff report.