

## FINDINGS OF FACT

The City-County Planning Division Staff has prepared the Findings of Fact for Yellowstone Trail 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. There are no agricultural water facilities near the subject property and they are not in any irrigation district. There will be no known impacts from this subdivision on agriculture use.

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

a. **Water and Septic** –Water and sewer will be handled by extending the Pryor Creek Water Association (PCWA) connections to this subdivision. Water will be conveyed to each lot utilizing a water distribution system. All proposed water system improvements shall meet the requirements of MDEQ. Should the system proposed in the SIA not meet the requirements of MDEQ the applicant must propose a system that will meet MDEQ requirements. The applicant will provide an approval letter from the MDEQ to be submitted with the final plat. They will also update any language in the SIA that reflects the approved system. **(Condition #1)**

The applicant is proposing to extend the Pryor Creek Water Association (PCWA) sanitary system to this subdivision. The system has a collection system and lagoons for management and disposal of sanitary waste. Should the system proposed in the SIA not meet the requirements of MDEQ the applicant must propose a system that will meet MDEQ requirements. The applicant will provide an approval letter from the MDEQ to be submitted with the final plat. They will also update any language in the SIA that reflects the approved system. **(Condition #1)**

b. **Streets and roads** – There will be two new roads within the proposed subdivision. They will be built within a 60-foot wide right-of-way and dedicated to the public. The applicant needs to state the streets will be public streets in the SIA. Public streets require the creation of an RSID for maintenance of the road. That will be required with the final plat submittal. **(Condition #2)** Both new streets will have access off Yellowstone Trail. Access permits will be required before any connection is made to the streets, this requirement is outlined in the SIA under Conditions that Run with the Land.

In the Yellowstone County Subdivision Regulations Section 4.6 B 1 Relation to Undeveloped Areas: When a proposed subdivision adjoins undeveloped land, streets within the propose subdivision shall be arrange to allow access to the adjoining

undeveloped land. Street right-of-way within the proposed subdivision shall be provided to the boundary lines of the tract to be developed, unless prevented by topography, other physical conditions, or adjoining land cannot be further subdivided or developed.

Yellowstone County Subdivision Regulations Section 4.6 C 14 Street Grades: All street grades shall conform to the requirements of the County. Street Grades shall not exceed the following, with due allowance for reasonable vertical curves and intersection treatment. Street Type Local Access 12 percent grade.

Grades on the west edge of this subdivision and within the subdivision exceed 20%.

Constructing a road through these grades would require a great deal of fill, bridges or most likely both. See Attachment A. There is a precedence in the county for not requiring a variance when it can be shown that a road connection is not feasible because of the reasons given in Section 4.6 B 1. *unless prevented by topography.*

Pike subdivision, platted in 2015, showed a road from the original plat going through the entire length of a wetland. The re-platting of the subdivision was to move the road to dry land and re-arrange the lots. There was no connection to the west, through the wetland, and no variance request.

For this reason, the applicant is not required to connect to the west or south. Land to the east is already developed and there is not a connection for them to complete.

The applicants' agent has provided a drawing and explanation about the slopes within and around the proposed subdivision. See Attachment A.

c. **Fire and Police services** – The property is within the Huntley Volunteer Fire Department. The developer will be installing a 30,000-gallon dry hydrant system in a public easement on the west side of Lenny Lane. Drawings and specifications for the construction and installation of the tank must be reviewed and approved by the Huntley Volunteer Fire Department prior to any construction of the tank. Huntley Volunteer Fire Department will test the tank and provide a written sign off stating it is working correctly. An RSID for the new dry hydrant system will be created prior to final plat. **(Condition #3)**

The Yellowstone County Sheriff's Department state they will provide law enforcement services to this subdivision.

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 within Huntley Project School

District for K-12. Huntley Project School did not respond to the request for comments at the time of the writing of this staff report.

**g. Parks and recreation** – This proposed subdivision is required to provide parkland. The applicant in the SIA under the heading VIII. Parks/Open Space has outlined the requirements of parkland. The total required parkland dedication requirement is 1.395 acres. The applicant is proposing a parkland dedication of 1.788, 1.288 acres of land and 0.5 acres of trail through the subdivision. The applicant will need a park and trail maintenance RSID separate from the one proposed for roads. **(Condition #4)**

**h. Postal Service** – The applicant will be required to coordinate the location of the delivery box and provide enough space for the delivery vehicle to pull out of traffic for safety. **(Condition #5)**

**i. Historic features** – No known historic 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. Prior to final plat approval, the applicant will apply for and obtain a weed management plan with the County Weed Department. That plan will be submitted with final plat approval. **(Condition #6)**

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. The applicant submitted an Environmental Assessment with this subdivision as required by Yellowstone County Subdivision Regulations. In the summary of impacts to wildlife the U.S. Fish and Wildlife Services IPaC Information for Planning and Consultation, there are no critical habitats within the subdivision. The same report shows that a change in the land use to residential could potentially impact some food supply for multiple species of birds. Because of the size of the lots, the impact should be minimal. 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 Huntley 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 (EA) was required for this subdivision. The EA submitted

the many topics required by the Subdivision regulations for an EA. Of those covered, the topics of main concern are effects on wildlife, which is covered earlier in the findings, existing vegetation and surface water. There were no major impacts identified in the EA that would cause need for conditions to mitigate those issues.

**C. Does the subdivision conform to the Yellowstone County 2008 Growth Policy, the 2018 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: Predictable land use decisions that are consistent with neighborhood character and land use patterns. (p. 6)

*The subdivision is consistent with the type of residential development in the area.*

- 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. 2018 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 (BATMP)**

The subject property is outside of the study area of the BABTMP.

**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 MDEQ 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]**

Private utilities are to be installed in the public road right-of-way. Should the private utility companies require easements the applicant will be required to coordinate the easements needed with the private utility companies. There are utility easements shown on the face of the plat for private utilities.

**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 Yellowstone Trail onto Lynette Lane and Lenny Lane that will provide access for all lots but one. Lot 18 will have access off White Buffalo Road.

**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, to the Planning Board, conditional approval of the preliminary plat of Yellowstone Trail Subdivision and adopt the Findings of Fact as presented in the staff report, the SIA and Waiver.