

FINDINGS OF FACT

The City-County Planning Division Staff has prepared the Findings of Fact for Amended Lot 200, Terrace Estates Subdivision, 3rd 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), the Yellowstone County Subdivision Regulations (YCSR) and City of Billings.

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 vacant land that is not used for crop production or any current residential purposes. There are no water rights or shares for water to the proposed lots. This proposed subdivision will have minimal impact on water users' facilities. Alkali Creek does bisect the land where this subdivision is located. In the SIA under the heading 'Conditions that Run with the Land', there is a paragraph to warn future lot purchasers that there is a chance that Alkali Creek may overtop the banks causing flooding on property.

2. Effect on local services

a. **Water and Septic** – The applicant is proposing to have wells for each lot in this proposed subdivision. The systems will meet the standards set forth in Section 4.9 YCSR, Montana Administrative Rules, Title 17, Chapter 36. They will be required to receive MDEQ approval for any water system prior to final plat. **(Condition #1)**

The applicant is proposing to have septic systems for each lot in this proposed subdivision. The systems will meet the standards set forth in Section 4.8 YCSR, Montana Administrative Rules, Title 17, Chapter 36. They will be required to receive MDEQ approval for any septic systems prior to final plat. **(Condition #1)**

The maintenance and operation of water and septic systems will be the responsibility of the property owners.

b. **Streets and roads** – The proposed subdivision will not be building any roads. All access will be from Alkali Creek Road. The applicant is dedicating additional right of way for Alkali Creek Road as required by subdivision regulation for road widths.

c. **Fire and Police services** – The property is within BUFSA jurisdiction. Because this is a 4-lot minor there is a requirement for a fire suppression to be available for use within the subdivision. They can either build a 10,000 gallon underground dry hydrant system or use existing pressurized fire hydrants within the ½ road mile. There are existing City of Billings pressurized fire hydrants within ½ road mile. In the SIA the applicant is planning to use the pressurized City of Billings fire hydrants. There is a requirement to pay a fee to the county for using the City of Billings fire hydrants. Those fees are set aside and are

available for the fire department having jurisdiction to purchase equipment for use in the BUFGSA area. Those fees are to be paid prior to final plat. (**Conditions #2**)

The Yellowstone County Sheriff's Department 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 for new lots shall satisfy Section 4.7, Yellowstone County Subdivision Regulations and the requirements of MDEQ.

Because there is no anticipated major development on these lots the storm water will be allowed to continue to drain as it has historically done.

f. **School facilities** – The proposed subdivision is located within School District #2. Alkali Creek Elementary, Castle Rock Middle School, and Skyview High School. With four large lots there will be noticeable added burden to the school system.

g. **Parks and recreation** – This proposed subdivision is not required to provide parkland. Yellowstone County Subdivision Regulations Section 10.8 A. A Minor Subdivision is not required to provide parkland.

This portion of Terrace Estates Subdivision was within the city limits. The de-annexation resolution (No. 17-10674) was recorded March 12, 2018. There is an existing City of Billings park within the subdivision that was not part of the de-annexation. With this proposed new plat, the applicant is proposing to do some land trading with the City of Billings Parks Department. Some of the existing parkland is planned to go to the developer and in exchange some of the existing non-park land is going to the City of Billings Parks Department. The current amount of parkland within this subdivision is 17.343 acres. After the land exchange there will be 17.393 acres, the City of Billings will gain 0.05 acres, 2,178 square feet of park land. See Attachment A. The applicant will need to work with the City of Billings Parks Department and Legal Department to legally exchange the land between the City of Billings and the applicant. (**Condition #3**)

With the exchange of land between the City of Billings and the applicant, there will be land from the City that will need to be de-annexed to not have a county subdivision with pieces of the City attached to lots. Land from the applicant to the city will need to be annexed into the City park to have the city park entirely in the City limits. All this will need to take place prior to final plat or at the same time as the final plat. (**Condition #4**)

h. **Postal Service** – The proposed lots are large and may or may not be subdivided in the future. Future lot owners will coordinate with the USPS to determine what type of box is to be used and for its location to ensure safety for the mail delivery person.

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

j. **Phasing of Development** - The applicant is not proposing to develop this subdivision in phases.

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 #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 Billings Fire Department as part of the 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 according to Yellowstone County Subdivision Regulations, Section 9.2 C. 3 b, the proposed subdivision is in a zoned area of the county.

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: 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 Billings Urban Area Long Range Transportation Plan

This subdivision is outside the 2018 Billings Urban Area Long Range Transportation Plan. The subject property maintains the road system as existing in the area.

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

This subdivision is within the BBTMP. There are no identified trails running through this County subdivision. There is a future trail proposed in the City park that is within this subdivision. There is a proposed short-range bike land along Alkali Creek Road. This development will not be required to build any trail as part of the subdivision.

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, the YCSR and BSR. 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 meet the requirements the Yellowstone City-County Health Department prior to final approval. MDEQ requirements apply to all lots that are less than 20 acres in size.

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

The proposed subdivision is in County zoning. The subdivision is zoned Large Lot Suburban Neighborhood, N4.

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

Should the private utility companies require easements the applicant will be required to coordinate the easements needed with the private utility companies.

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 Alkali Creek 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, YCSR and BSR processes and the subdivision conforms to the law requirements.

RECOMMENDATION

The Planning Division recommend conditional approval of the preliminary plat of Amended Lot 200, Terrace Estates Subdivision, 3rd Filing, to the City of Billings and adopt the Findings of Fact as presented in the staff report.