

FINDINGS OF FACT

The City-County Planning Division Staff has prepared the Findings of Fact for Eagle Cliff 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 used for grazing purposes. There is no irrigation water available to this site, the comment from the Lockwood Irrigation District is as follows; The area for this new subdivision is above Lockwood Irrigation District's upper 100' Lift Canal, it is not in our District boundaries and does not impact our distribution system. There will be no affect on water user facilities with this subdivision.

2. Effect on local services

a. **Water and Septic** – The proposed subdivision is located within Lockwood Water and Sewer District. Currently there is only water available to the property. The subdivider will be extending water lines into this subdivision, the water lines will be installed as required by Lockwood Water and Sewer District and Montana Department of Environmental Quality. **(Condition #1)**

It is proposed that each homeowner will have a septic system on their property within the proposed subdivision. The proposed 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. The applicant will provide a copy of the MDEQ approval for the septic systems at the time of final plat. **(Condition #1)**

b. **Streets and roads** – There will be several new roads within the proposed subdivision. These roads will be public roads and will be built to Yellowstone County Paved road standards within 60-foot-wide rights-of-way.

There is an RSID that can be expanded to include the paved roads within this subdivision, RSID 698M. That RSID expansion paperwork will be submitted with the final plat. **(Condition #2)**

Tanner James Drive, that is proposed within the subdivision, will need a temporary turn around for the fire department if that road is over 150 feet in length. **(Condition #3)**

A TIS is not required for this subdivision as it does not meet the minimum threshold that requires one.

Sidewalks will be built to meet the requirements of the subdivision regulations. The applicant, in the SIA, states that the developer will install sidewalks along the frontages of the parkland areas and corner intersection handicap ramps with aprons. Individual lot owners will be required to build sidewalk with construction of the homes. This requirement is noted in the SIA under Conditions that run with the Land and in III Transportation B. Sidewalks. The developer will provide a bond for a 5-year period for the construction of the sidewalks. One month prior to the expiration of the bond, the applicant will either begin installation of the remaining sections of sidewalk or the county will call the bond and install remaining sections of sidewalk within the subdivision. This is also outlined in the SIA under the heading Transportation B. Sidewalks.

c. **Fire and Police services** – The property is within the Lockwood Fire Department Service Area. The developer will be installing fire hydrants as required by the Lockwood Fire Department throughout the subdivision. Locations of those fire hydrants are to be coordinated with the Lockwood Fire Department prior to installation. **(Condition #4)**

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 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 Lockwood School District #26 boundaries. School District #26 will provide educational services for Elementary, Middle and High School students. School District #26 responded to the request for information indicating Elementary, Middle and High school are able to handle the student population increase.

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 is 1.021 acres. The applicant is proposing to dedicate 4.337 acres. The applicant will be required to create an RSID for the park maintenance with final plat. **(Condition #5)** The area for the proposed parkland is also an area identified in the Billings Area Bike Trail and Master Plan (BABTMP). This will connect to parkland to the north that already exists and will provide an opportunity to connect to the south in the future. In the SIA it states that this subdivision is outside of the bike trail system, it is not. The language in the SIA needs to be changed to correctly reflect the future trail system possible in the proposed parkland. **(Condition #6)**

h. **Postal Service** – The USPS responded to request for comments; Mailbox set up will need to be centrally located, preferably on the corner of La Paz and Navarro Dr. USPS needs a pull for carrier to access boxes. If there are any questions they can contact me at 406-696-9139. The applicant will be required to coordinate with the USPS to ensure they are providing what has been requested. (**Condition #7**)

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

j. **Phasing of Development** - The applicant is not proposing to phase this subdivision.

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 #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 Lockwood 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 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 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 surrounding 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 maintains the road 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 subject property is not within the Billings Area Bikeway and Trail Master Plan Update.

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 Neighborhood 4 (N4) zoning. The future home owners will be required to submit for a zoning compliance permit prior to construction on the lots. This requirement needs to be outlined in Conditions That Run With The Land in the SIA. (**Condition #9**)

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 Western 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. Public water from Lockwood Water and Sewer District will also be installed in the public right-of-way.

**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 Eagle Cliff Meadows Road and Navarro Drive. The internal streets will provide access to individual lots.

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

The Planning Board recommend conditional approval of the preliminary plat of Eagle Cliff Estates Subdivision, to the Board of County Commissioners, and adopt the Findings of Fact as presented in the staff report, the SIA and Waiver.