

## FINDINGS OF FACT

The City-County Planning Division Staff has prepared the Findings of Fact for West Meadows Subdivision, 2<sup>nd</sup> 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) 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 farming purposes. Cove Ditch runs through the proposed subdivision. It is within a 66-foot-wide ditch easement. This easement will allow the Cove Ditch company to maintain the ditch as needed. According to the SIA under the heading VIII, Irrigation "there are no definitive plans for water share transfer at this time." Mitigation measures will be taken to ensure the protection of the Cove Ditch. These are outlined in the SIA under the same heading as referenced earlier in the paragraph. 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 not located within any public water district. It is proposed that each lot will have a cistern on it for domestic water use. The proposed cisterns in the subdivision will be reviewed and receive approval from Montana Department of Environmental Quality (MDEQ). The applicant will provide a copy of the MDEQ approval for the septic systems at the time of final plat. **(Condition #1)** Maintenance of the individual cisterns will be the responsibility of the home owner.

It is proposed that each lot, within the proposed subdivision, will have a septic system. 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)** Maintenance of the individual septic systems will be the responsibility of the home owner.

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 will be expanded to include the paved roads within this subdivision, RSID 773. That RSID expansion paperwork will be submitted with the final plat. **(Condition #2)**

The subdivision is required to have a second access in and out for public safety. The applicant states they are proposing to dedicate the undeveloped section of Homewood Park Drive to Central Avenue and Central to Whistler Way. Prior to dedication of the

road it will need to be built to a county gravel road standard to be accepted by the county. The applicant will expand the existing RSID, 796, for the maintenance of South 80<sup>th</sup> Street. The existing RSID will also cover maintenance of the second access. **(Condition #2)**

A TIS is has been submitted for this subdivision. It will be reviewed by County Public Works for impacts to the roads and intersections in the area.

c. **Fire and Police services** – The property is within the Laurel Urban Fire Service Area (LUFSA). LUFSA has approved the use of a pond for fire suppression needs in this subdivision. **(Condition #3)** The applicant is proposing to create a maintenance district to maintain the pond and fire suppression equipment in the pond. The maintenance district will have a contract with the Cove Ditch Company for water to fill the pond, should the ditch not provide enough water on a year-round basis the maintenance district will be responsible for filling the pond with water from a water company. The pond will have an access point for fire suppression vehicles to connect to fire suppression piping coming out of the pond. The pipe apparatus in the pond will have a filtering system. **(Condition #4)** This is outlined in the SIA under the heading IV Emergency Service. The Location of the pond and the access to it is to be shown on the plat and coordinated with the Laurel Fire Department prior to installation. **(Condition #5)**

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 Elder Grove School District #8 for K-8. School District #2 will provide educational services for High School students. School District #8 has capacity for additional students. School District #2, West High School is currently over capacity.

g. **Parks and recreation** – This proposed subdivision is required to provide parkland. There is an existing parkland dedication within this proposed subdivision. There is no additional parkland dedication required. The applicant will be required to expand or create an RSID for the park maintenance with final plat. **(Condition #6)**

h. **Postal Service** – The USPS responded to request for comments; Mailbox set up will need to be a centralized box location with other mailboxes located on 80<sup>th</sup> and Monad. If there are any questions they can contact the USPS. 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 proposing to phase this subdivision. There will be 2 phases, those two phases are outlined in the SIA under the heading XI Phasing of Improvements. Phase 1 will include the construction of the pond for the fire suppression needs of the subdivision. A sentence about the fire suppression system being installed in Phase 1 is in the SIA under the heading IV Emergency Service.

**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 required for this subdivision pursuant Section 9.2 C of the County Subdivision Regulations. In the environmental assessment it was determined that the impacts to the environment which include, agricultural, water user facilities, natural environment wildlife and habitat, will be minimal. The land is not used for agricultural purposes, the Cove Ditch is within an existing 60-foot-wide easement for maintenance and protection. There are no known endangered species on the land.

**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 not within a zoned area of Yellowstone County.

### **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.

**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 Whistler Way. 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**

Staff recommend that the Planning Board recommend conditional approval of the preliminary plat of West Meadows Subdivision, 2<sup>nd</sup> Filing to the Board of County Commissioners, and adopt the Findings of Fact as presented in the staff report, the SIA and Waiver.