

## FINDINGS OF FACT

The City-County Planning Division Staff has prepared the Findings of Fact for Stone Creek 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 agricultural purposes. There will be no water shares or rights available to the lots within this subdivision. Irrigation facilities associated with this property will not be altered with the development of the land. It will take 80.122 acres of ag land out of production.

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

a. **Water and Septic** – The proposed subdivision is not located within any public water system. This subdivision will be served by a community water system from wells located within the proposed County Park. The proposed water system 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 water system at the time of final plat. **(Condition #1)** It is proposed that the maintenance and operation of the water system will be the responsibility of the Home Owners Association (HOA) through a contracted third party. The HOA will be filed with the final plat of the subdivision. **(Condition #2)**

It is proposed that lots will have a septic system on them within the proposed subdivision. The proposed septic systems will need to be reviewed and installed in accordance with Section 4.8 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 rights of way. Road names will be determined prior to final plat.

Additional right of way will be provided for both Neibauer Road and South 64<sup>th</sup> Street West to meet the county requirements for Principal Arterial Street width.

No road within the subdivision is to have any sign or planter built within the right of way or any other item that would be an obstacle in the road without specific written permission from Yellowstone County Public Works. **(Condition #3)**

A TIS was submitted with this subdivision. In the executive summary it says: “As proposed, the Stone Creek Subdivision would not create any new roadway capacity problems in this area. All roadways and intersections will continue to operate within acceptable levels of service with the development of the Stone Creek Subdivision. No roadway improvements will be necessary to serve this project”. The TIS will be reviewed by County Public Works prior to final plat approval.

1. c. **Fire and Police services** – The property is within the Billings Urban Fire Service Area (BUFSA). The developer will be installing a 30,000-gallon dry hydrant system with Phase 1 construction located on Lot 11, Block 5 along the east side of Road C. The tank shall be built to Billings Fire Department standards. Billings Fire Department will review and approve drawings of the tank before installation. It will be tested to ensure it is in working order before final plat. **(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 is required 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 kindergarten through 8<sup>th</sup> grade and School District #2 for West High School. School District #8 responded to the request for information indicating Elementary and Middle school can 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 5.264 acres. The applicant is proposing to dedicate 3.604 acres. The applicant is proposing to do a cash in lieu contribution for the difference, which is 1.66 acres. The applicant will follow the requirements of Section 10.6 YCSR. The estimated contribution will be submitted to the County Park Board for review and approval prior to cash in lieu contribution. Within the parkland dedication, a community well for the subdivision will be installed, this proposal has been reviewed by the County Park Board and they raised no concerns with the wells in the park. The applicant will also create an RSID for maintenance, the park RSID needs to be formed that does not include any other RSID. The dedicated park land must be planted and irrigated. **(Condition #5)**

This subdivision is also identified in the Billings Area Bike Trail and Master Plan (BABTMP). A future trail is identified on both South 64<sup>th</sup> Street and Neibauer Road. There is no trail identified within the proposed subdivision.

h. **Postal Service** –Mailbox location for the proposed subdivision will be coordinated with the USPS. It will require CBU boxes and room for a vehicle to safely pull off the road for postal delivery. The applicant will be required to coordinate with the USPS to ensure they are providing what is needed for a safe and efficient mailbox location. **(Condition #6)**

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 two phases within this subdivision. Those phases are outlined in the SIA under the heading, X. Phasing of Improvements. Phase 1 will begin with final plat of the proposed subdivision, Phase 2 is planned to be opened by June 1, 2030. Phase openings require a public hearing with the possibility of additional conditions of approval should a need for additional conditions be demonstrated with the building of Phase 1 or other unforeseen issues that may arise in the area.

### **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 #7)**

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 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 A of

the County Subdivision Regulations. Although there is a potential for wildlife in the area this is a parcel that has been used for farming purposes for many years and the natural habitat that may have been on it no longer exists, with the possible exception of small wildlife creatures living the surrounding grassy road edges.

**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: Active, safe neighborhoods with a high quality of life. (p. 16)  
*The subdivision will provide open space and sidewalks for the people who build homes in this subdivision. The density will allow for people to watch out for each other.*
  
- Goal: Safe roadways supportive of vehicles, bicycles and pedestrians. (p. 15)  
*The proposed road within the subdivision will also have sidewalks for pedestrians and children on bikes.*
  
- 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 within the Billings Area Bikeway and Trail Master Plan Update. There are no trails identified within 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 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 lots 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 outside of 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 private road and utility easements by private utility companies. Should the private utility companies require easements the applicant will be required to coordinate the easements needed with the private utility companies. Well and septic will be reviewed and approved by MDEQ prior to final plat.

**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 South 64<sup>th</sup> Street West and Hesper Road. 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 proposes that the Planning Board recommend conditional approval of the preliminary plat of Stone Creek Subdivision, to the Board of County Commissioners, and adopt the Findings of Fact as presented in the staff report, the SIA and Waiver.