

## **FINDINGS OF FACT**

The City-County Planning Division Staff has prepared the Findings of Fact for Still River 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 currently used for agricultural purposes. There are no water rights or shares that will be available for the future property owners in this subdivision. Any surrounding ditches will be left in place with access to them for maintenance purposes. This proposed subdivision will have minimal impact on water users' facilities.

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

a. **Water and Septic** – This subdivision will have community well systems in place to supply water to individual homes. It will be built in compliance with the requirements outlined in Section 4.9 of the Yellowstone County Subdivision Regulations and the DEQ. The water will be distributed by underground pipes to each lot for connection to the system. The operation and maintenance of the system will be either contracted to a third-party provider by the subdivider or HOA.

There will be three community septic systems in the subdivision, each system will support 19 lots for a total of 57 lots on the community septic system. The remaining 18 lots will be on individual septic systems. It will be built in compliance with the requirements outlined in Section 4.8 of the Yellowstone County Subdivision Regulations and the DEQ. The community system will be maintained by the HOA. Individual systems will be maintained by the individual lot owner.

Both the proposed water and septic systems will be reviewed and approved by MDEQ with a copy of the approval provided with the final plat. **(Condition #1)**

All private utilities, power, telephone, gas and cable television, if available to the subdivision will be installed in the public right of way prior to paving of roads.

b. **Streets and roads** – Roads within the subdivision will be built in 60-foot-wide right of ways with a 24-foot paved surface and 2-foot-wide shoulders on each side. Drainage ditches will be installed along the sides as required by MDEQ for stormwater management. South 64<sup>th</sup> Street West is classified as a principle arterial road, an additional 30 feet of right of way will be dedicated for that street by the subdivision. South 60<sup>th</sup> Street West is a collector road this subdivision is providing 60 feet of right of way and there is 30 feet of right of way from the Woodgate Estates Subdivision on the east shared

boundary. The applicant will be required to create an RSID for maintenance of roads within the subdivision. All temporary street names will have permanent names determined by final plat. **(Condition #2)**

c. **Fire and Police services** – The property is within the Billings Urban Fire Service Area (BUFSA). Phase 1 of this subdivision will be close enough to an existing 30,000-gallon dry hydrant in Dewitt Subdivision that the applicant will not have to install a tank for Phase 1. With the construction of Phase 2 the applicant will be installing a 30,000-gallon dry hydrant for the remainder of the subdivision. Construction drawings will be submitted to Billings Fire Department for review and approval prior to its installation. An RSID will be created to maintain the dry hydrant and a public easement will be created for the dry hydrant and enough area for fire equipment to access the tank. An RSID will be created for maintenance of the dry hydrant system. **(Condition #3)**

With Phase 1 of this subdivision Skycrest Drive and Road B (temporary road name) will be required to either have temporary cul-de-sac ends for the emergency vehicles to use to turn around or, build a gravel surface road that connects the two roads as road layout is shown in Phase 2 of the proposed subdivision. This language will be included in the SIA under the heading IV Emergency Service. **(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** – Proposed Storm water drainage shall be submitted to the MDEQ for review and approval prior to final plat. All proposed stormwater systems shall meet the requirements of Section 4.7 of Yellowstone County Subdivision Regulation's and the requirements of MDEQ. **(Condition #1)**

f. **School facilities** – The proposed subdivision is located within Elder Grove School District for K through 8. West High School will provide education for students in 9 through 12, School Districts #2. Elder Grove has additional capacity for students, West High School is currently over capacity.

g. **Parks and recreation** – This proposed subdivision is required to provide parkland. The required amount of parkland for this subdivision is 2.59 acres. The applicant is proposing to provide 6.84 acres. All parks will be private parks maintained by the HOA within the subdivision. They will have easements on them to allow for public uses. Those easement documents will be submitted with the final plat. **(Condition #5)**

h. **Postal Service** – The applicant will coordinate with the USPS to provide areas for Central Box Units for the subdivision and enough area for the postal delivery person to safely deliver the mail. **(Condition #6)**

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

j. **Phasing of Development** - The applicant is proposing to develop this subdivision in phases. They are proposing three phases. Those phases are outlined in the SIA under the heading, X. Phasing of Improvements.

**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. As required by County Subdivision Regulations Section 4.15 all county subdivisions are required to 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 not be reviewed at this time, there is no proposal to develop the lots at this size. Both lots are over 20 acres and do not require review.

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. Because the current use of the land is for farming purposes the natural habitat has been disrupted long ago. There are no known endangered species on the land. Impact to habitat should be minimal.

**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)

*There are several large subdivisions currently being proposed or under construction in the area. This proposal is consistent with the type of development under way in the surrounding area.*

- Goal: New developments that are sensitive and compatible with the character of adjacent County town sites. (p. 6)

*This proposal is consistent with the type of development under way in the surrounding area.*

- Goal: Controlled weed populations. (p. 9)

*The developer shall complete a weed management plan and shall provide a re-vegetation plan as required by County Subdivision Regulations.*

## **2. 2018 Billings Urban Area Long Range Transportation Plan**

The subject property maintains the road study area of the Transportation Plan. As proposed, the internal streets are neighborhood streets associated with this subdivision. South 60<sup>th</sup> Street west, part of Phase 3, is a future collector street.

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

South 64<sup>th</sup> Street West is identified as a proposed long-range bike lane. This subdivision is providing additional right of way for South 64<sup>th</sup> Street West for future road/trail expansion. This subdivision will not be required to build any trail as part of the development.

### **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, without existing septic systems, 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 County Zoning Jurisdiction. There are no Yellowstone County zoning regulations on the subject property.

### **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 South 64<sup>th</sup> Street West and the proposed internal streets to each lot.

**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 Division recommends conditional approval of Still River Estates Subdivision preliminary plat, to the Planning Board and adopt the Findings of Fact as presented in the staff report, the SIA and Waiver. The Planning Board recommendation will be forwarded to the Board of County Commissioners.