

FINDINGS OF FACT

The City-County Planning Division Staff has prepared the Findings of Fact for Southern Sky 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 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. BBWA Creek runs along the south-east facing property line.

2. Effect on local services

a. **Water and Septic** – The applicant is proposing to have individual wells and/or cisterns 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 and DNRC 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 be building several roads. All internal streets within Southern Sky Estates Subdivision are public roadways and will have a minimum right-of-way width of 60 feet. Pureview Lane is classified as a collector road, for which 80 feet of right-of-way is dedicated. Additionally, Southern Sky Lane south of its intersection with Pureview Lane is also dedicated as a collector road with an 80-foot right-of-way width. An additional 30 feet of right-of-way has been dedicated adjacent to the property on the north side (Danford Road) as part of Southern Sky Estates Subdivision providing a total right-of way width of 90 feet. **(Condition #3)**

c. **Fire and Police services** – The property is within Laurel Fire Department jurisdiction. The applicant will be building a 30,000 gallon underground dry hydrant system, which shall be reviewed and approved by the Laurel Fire Department prior to construction. Tank and dry hydrant are to be inspected, acceptance tested, and approved

by the LAUREL FIRE DEPARTMENT prior to any building construction occurring on the lots served by the system. The tank and dry hydrant require the formation of a new RSID for maintenance thereof. The new RSID will consist of all proposed lots within the Subdivision. (**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.

f. **School facilities** – The proposed subdivision is located within School District #2. Canyon Creek and West High School. No comment has been received from the School district o probable impacts at the time of this report.

g. **Parks and recreation** – This proposed subdivision is required to provide parkland. Section 76-3-621 of the Montana Subdivision and Platting Act covers the park dedication requirement. Per 10.2(A) of the Yellowstone County Subdivision Regulations, a minimum of 2.86 acres of parkland will be required, with 4.31 acres proposed. This parkland will be private to the subdivision and maintained by a Subdivision HOA.

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. (**Condition #4**)

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 Laurel Fire Department and the Yellowstone County Sheriff's department. See section 2.C for specific provisions of fire protection service.

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 and provided for this subdivision according to Yellowstone County Subdivision Regulations, Section 9.2.A, the proposed subdivision is a Major Subdivision. The Environmental Impact Analysis indicated there are no significant environmental impacts created from this proposal.

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 within the 2018 Billings Urban Area Long Range Transportation Plan. The proposed Pureview road is designated as a collector road in the Billings Urban Area Long Range Transportation Plan.

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

There is a proposed long-range bike lane on Danford Road in the BBTMP; however there is no trail or bike lane proposed 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 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 outside the zoning jurisdictional boundary.

Lots 13 through 29 of the Subdivision, inclusive, are intended to be developed with commercial condominiums. Only these lots shall be able to be developed as individual buildings with separate units to be leased or sold. Should Lots 1 through 12 within the Subdivision be developed with commercial condominiums, they shall be done so in accordance with the Yellowstone County Subdivision Regulation's procedures for platting.

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

Utilities will be located within the public right-of-way and utility easements shown on the plat. Should the private utility companies require additional easements and hookups 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]

Access to Southern Sky Estates Subdivision shall be provided by two primary access points off Danford Road. A 60-foot minimum right-of-way shall be dedicated to the public by Subdivider for all internal streets unless otherwise called for (Southern Sky Lane and Pureview Lane). No Access strips shall be provided along the frontages of Danford Road with exception to the primary access points depicted on the Plat.

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 the Planning Board recommends the Board of County Commissioners conditionally approve the preliminary plat of Southern Sky Estates Subdivision and adopt the Findings of Fact as presented in the staff report.