

PROPOSED YELLOWSTONE BOARD OF COUNTY COMMISSIONERS
FINDINGS OF FACT

The City-County Planning Division Staff has prepared the Findings of Fact for Shop World II 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 dryland grass and shrubs. Land to the west is large lot housing, to the south is commercial development. To the north is more dryland grass with shrubs and to the east the same. The Big Ditch runs along the southern end of the subdivision. No water rights will be transferred to the subdivision. This subdivision will not be impacting or altering the Big Ditch when constructed.

2. Effect on local services

a. **Water and Sewer** –The subdivision is not served by a municipal water or sewer district. The applicant states in the SIA under the heading VI Utilities that they are currently doing groundwater research. It is anticipated there will be a number of lots that will be able to get MDEQ approval for water systems. All water systems will follow the requirements of Section 4.9 Yellowstone County Subdivision Regulations and will need to have MDEQ approval. This information will be required in the SIA under the heading VI Utilities A Water. **(Condition #1)**

It is anticipated there will be some lots that will be able to get MDEQ approval for septic systems. All septic systems will follow the requirements of Section 4.8 Yellowstone County Subdivision Regulations and will need to have MDEQ approval. This information will be required in the SIA under the heading VI Utilities B Septic Systems. **(Condition #1)**

The applicant will list which lots will have water and septic systems in the SIA and identify them on the plat with the final plat. **(Condition #2)**

b. **Streets and roads** – Access to the proposed subdivision is from Monad Road on the north. There will be a second access built to Eggebrecht Lane with this subdivision. Monad connects to 72nd Street West and 72nd west intersects King Avenue West. The subdivider will be required to build the portion of Monad Road that is along the north edge of the proposed subdivision. 72nd Street West is a public road; Monad Road will be built as a public road. The roads will be built to Yellowstone County paved road standards with 24-foot paved surface and 2-foot gravel shoulders on each side. The applicant will create an RSID for maintenance of Monad Road. **(Condition #3)**

Proposed roads within the subdivision are to be private roads. The roads will be built to Yellowstone County paved road standards with 24-foot paved surface and 2-foot gravel shoulders on each side. Easement documents for the private roads within the subdivision will need to have language in them that will allow for emergency vehicle access and other private utility vehicles that may be required in the subdivision for maintenance purposes. The applicant will also provide HOA documents showing the residents are responsible for the maintenance of private roads. **(Condition #4)**

A TIS was submitted for this subdivision to the County Public Works Department. It is being reviewed. The applicant will enter in the SIA under the heading III Transportation information regarding the TIS and any improvement they may be required to provide a proportional share of cost of upgrade to the County. **(Condition #5)**

c. **Fire and Police services** – The property is within the City of Billings Fire Jurisdiction through the BUFSA. The developer will provide a 30,000-gallon water storage/dry hydrant for fire suppression. It will be located on Lot 186 in the north west corner of the subdivision. Access to the tank will be from Monad Road, a public county road. The applicant will install the dry hydrant system to the City of Billings Fire Department standards and have it tested and approved before final plat. Lot 186, in which the dry hydrant system is proposed to be installed, is proposed to be a public easement. This will place it on public land where the applicant will create an RSID for the maintenance of the system. **(Condition #6)**

The Yellowstone County Sheriff's Department will provide law enforcement services. The Department stated that with this number of lots being created that the sheriff's office may need to add a deputy to augment current patrols.

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. Storm water will be collected on site using drainage swales as well as storm detention facilities proposed within the development. The location of the proposed detention ponds shall be identified in the SIA under the heading V Storm Drainage. Proposed storm drainage will be reviewed and approved by the MDEQ to ensure the proposed stormwater management is feasible and will work satisfactorily. **(Condition #1)**

f. **School facilities** – The proposed subdivision is for commercial development only and will not have an impact on the number of students in schools.

g. **Parks and recreation** – This proposed subdivision is not required to provide parkland. All of the lots are proposed for commercial development and do not have to provide parkland dedication.

h. **Postal Service** – The applicant will be required to coordinate the location of the delivery boxes and provide enough space for the delivery vehicle to pull out of traffic for safety. (**Condition #7**)

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

j. **Condominium** – This subdivision process anticipates condominiums can be built within the subdivision. They would be commercial in nature; no residential uses are allowed within the subdivision including the condominium uses. This is outlined in the SIA under XII Condominium.

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. According to SIA Section IX., Weed Management, the developer will submit a weed management plan prior to final plat approval. (**Condition #8**)

A comment from the County Weed Department states:

My concern in that area would be Russian Knapweed or possibly Spotted Knapweed. Russian Knapweed is always a concern on that end of town. If there is Russian Knapweed on that acreage, we will require it to be treated before any construction takes place.

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 Volunteer 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. This property has historically been used as farm land. Some areas are native grasslands around the perimeter of the subdivision. Because of the disturbance of the native land from use as farmland there was no identified wild life habitat on the land. There are some birds and

the possibility of some small animals near the edges but there were no known large animal habitat areas on the land.

C. Does the subdivision conform to the Yellowstone County 2008 Growth Policy, the 2014 Billings 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: Improved public services and facilities. (p. 7)

The subdivision will provide a service that is becoming more common in Yellowstone County.

- 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. 2014 Billings Urban Area Long Range Transportation Plan

The subject property is outside 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 proposed subdivision is outside the study area of the BBTMP. The subdivider will not be required to provide for any bike lanes or trails. The nearest proposed bike path is on King Avenue West and the intersection with South 72nd Street.

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 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]

Any needed utility easements are to be coordinated with the utility company and the developer will provide the needed easement. MDU has requested 10-foot-wide easements along front lot lines. **(Condition #9)**

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 Monad Road and Eggebrecht Lane. All the lots within the subdivision will have access to the new proposed internal roads.

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 recommends that the Planning Board recommend conditional approval of the preliminary plat of Shop World II Subdivision, to the Board of County Commissioners, and adopt the Findings of Fact as presented in the staff report.