

## FINDINGS OF FACT

The City-County Planning Division Staff has prepared the Findings of Fact for the preliminary plat of The Meadows 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 farming purposes. A private drain ditch runs along the south side of proposed subdivision, which will be removed during development. According to the SIA under the heading VIII, Irrigation, no irrigation water rights will be transferred to individual lot owners. Perimeter ditches and drains shall remain in place and shall not be altered by the Subdivider or subsequent owners. 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 well on it for domestic water use. The proposed wells 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 wells 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 private roads and will be built to Yellowstone County Paved road standards within 60-foot-wide rights-of-way. **(Condition #4)**

The applicant will create an Home Owner's Association (HOA) that will maintain the private roads. **(Condition #3)**

The applicant shall dedicate the entire 60' right of way for South 68th Street West, a public road, and amend the SIA in Section III: Transportation to reflect the public status of 68th street west and the requirement for the developer to provide the entire right of way in accordance with Yellowstone County Subdivision Regulations. **(Condition #10).**

The Applicant shall create an RSID for the maintenance of the South 68th Street West. **(Condition #11)**

A TIS is has been submitted. 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 Billings Urban Fire Service Area (BUFSA). The applicant will be installing a 30,000-gallon dry hydrant system as required by Yellowstone County Subdivision Regulations. The location, access and construction drawings for the dry hydrant system are to be reviewed and approved by Billings Fire Department prior to installation. The applicant will create an RSID for the new dry hydrant system for the subdivision. Public access easements for the dry hydrant and access shall be shown on the plat and included aforementioned RSID. **(Condition #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 shall satisfy Yellowstone County Storm Water Management requirements and MDEQ. A storm water plan will have to be reviewed and approved by the MDEQ to ensure the proposed stormwater management is feasible and will work satisfactorily. **(Condition #1)**

f. **School facilities** –Elder Grove Middle School (SD #8) will provide educational services for K-8. West High School (SD #2) will provide educational services for High School students. West High School is over capacity for additional students.

g. **Parks and recreation** – This proposed subdivision is required to provide parkland. The applicant is required to provide 2.32 Acres of parkland and has provided 2.74 Acres. The parks will be private and be maintained through an HOA.

h. **Postal Service** – The USPS has not responded to request for comments. The applicant will be required to coordinate with the USPS to ensure proper type and location of mailboxes within the subdivision. **(Condition #5)**

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. Phase 1 will include Lots 12 – 39 and will commence no later than August 14, 2025. Phase 2 of The Meadows Subdivision will include Lots 1 – 11 and will commence no later that August 14, 2031. Lots 1-11 will remain within a Declaration of Restriction on Transfers and Conveyances and may only be lifted upon the financial guarantee or construction of improvements associated with this phase.

### **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 #6)**

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. **(Condition #4)**

### **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. 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 within the Billings Area Bikeway and Trail Master Plan. The nearest proposed bike trail is South 64<sup>th</sup> Street West. This trail then leads to Hesper Rd.

### **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 utility easements. 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. The internal streets will provide access to individual lots. A public access easement shall be provided along Wildflower parallel to the parkland and Lot 16.  
**(Condition #9)**

## **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 The Meadows Subdivision to the Board of County Commissioners, and adopt the Findings of Fact as presented in the staff report, the SIA, Waiver and conveyance restrictions.