

FINDINGS OF FACT

The City-County Planning Division Staff has prepared the Findings of Fact for The Waters 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 farming purposes. Historically it has been irrigated from the Cove Ditch. 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** – The applicant is proposing this subdivision will have wells in the parkland with a distribution system through the subdivision. They will be installed meeting the requirements outlined in Section 4.9 of the Yellowstone County Subdivision Regulations and the DEQ. The operation and maintenance of the system will be the responsibility of the Home Owners Association (HOA). Individual lot irrigation shall be done with individual or shared wells drilled by lot owners. It is to be separate from the subdivision water supply system.

b. **Septic** - The applicant is proposing each lot will have its own septic system. They will be built in compliance with the requirements outlined in Section 4.8 of the Yellowstone County Subdivision Regulations and the DEQ. Each system 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 or easements identified on the plat.

c. **Streets and roads** – Roads within the subdivision will be built in 60-foot-wide private 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. The private road will be a 1,000-foot-long dead-end cul-de-sac with a shared driveway to lots 6 and 7. In the SIA under the heading III Transportation D Access, the applicant will add language outlining that only lots 6 and 7 are allowed to use the shared drive. Lots 5 and 8 are required to get access from the main internal road.

(Condition #2) The home owners are responsible for the maintenance and care of the road. The applicant will add language in the SIA under the title III Transportation A Streets, that clearly states the home owners are responsible for maintenance of the road in the subdivision. **(Condition #3)**

d. **Sidewalks** – This subdivision is required to install sidewalks. The property owners will be installing sidewalks at the time of lot construction within the private road and sidewalk easement. The applicant will be installing sidewalks in all areas where there will not be a home, parkland and connecting to properties adjacent to the subdivision. Sidewalks shall be 5 feet wide with 5-foot-wide boulevards. The applicant is proposing to provide a walking/bike connection to the property to the east and west rather than vehicle connection. This is the subject of a variance, Attachment A. Should the variance request be approved the applicant will build a 10-foot-wide trail within the 20-foot-wide easement for the trail. **(Condition #4)**

e. **Fire and Police services** – The property is within the Billings Fire Department firefighting area through BUFSA. Subdivision regulations require that major subdivisions have a 30,000-gallon dry hydrant system for the subdivision. Alternatively, if there is a 30,000-gallon dry hydrant within ½ road mile to the farthest point in the subdivision or a pressurized fire hydrant within the ½ road mile to the farthest point in the subdivision they may use those. There is a 30,000-gallon dry hydrant system within ½ road mile within Black Rock subdivision to the north west. There is also one in Granite Park Subdivision to the west.

The Yellowstone County Sheriff’s Department will provide law enforcement services to this subdivision.

f. **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.

g. **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)**

h. **School facilities** – The proposed subdivision is located within School District #2. Meadowlark elementary, Ben Steele middle school and West High School are the locations for children attending school. These schools are currently over capacity.

i. **Parks and recreation** – This proposed subdivision is required to provide parkland. The amount of parkland dedication that is required is 0.763 acres. The proposed amount of parkland dedication is 0.956. Maintenance of the open space parkland will be paid for by the Subdivision HOA and provided by the same HOA or designated third party.

j. **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 #5)**

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

l. **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. 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 #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 Laurel 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 not for this subdivision by Yellowstone County Subdivision Regulations.

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 existing residential developments on the land to the north and west of the proposed subdivision.

- 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 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.

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

This subdivision is within the BABTMP boundaries for trails. They will not be required to build any trail within this subdivision. There is a proposed future Long-range bike lane on Central Avenue.

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 subdivision by Central Avenue.

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 The Waters Subdivision, preliminary plat to the Planning Board and adopt the Findings of Fact as presented in the staff report, the SIA, Waiver and approval of the variance requests. The Planning Board recommendation will be forwarded to the Board of County Commissioners.