

## FINDINGS OF FACT

The City-County Planning Division Staff has prepared the Findings of Fact for Serenity 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 has historically been used for farming 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** – The applicant is proposing individual wells for each lot. Should a different method be proposed that will work better for the proposed subdivision, that system will be developed by the applicants engineer and reviewed and approved by the Montana Department of Environmental Quality (MDEQ). The system will be installed meeting the requirements outlined in Section 4.9 of the Yellowstone County Subdivision Regulations and the MDEQ. The operation and maintenance of the well shall be the responsibility of the lot owner.

b. **Septic** - The applicant is proposing each lot will have their own septic system. Should a different method be proposed that will work better for the proposed subdivision, that system will be developed by the applicants engineer and reviewed and approved by the MDEQ. They will be built in compliance with Section 4.8 of the Yellowstone County Subdivision Regulations and the MDEQ. 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 will be installed in the public right of way or easements.

c. **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. Yellowstone County Subdivision Regulations 4.6 Streets and Roads; B Streets and Roads, General: 2 Relations to Developed Areas: *The subdivider shall arrange the streets to provide for the continuation of streets between adjacent developed properties when such continuation is necessary for the convenient movement of traffic, effective provision*

*of emergency services and efficient provision of utilities. Such provision may be waived where the adjacent land use is incompatible with the proposed subdivision, or when prevented by topography or other physical conditions.*

The applicant is proposing to connect to the existing South 50<sup>th</sup> Street West that is in the subdivision to the south, Canyon Creek Acreage Tracts. This subdivision was platted in 1958 and the streets were dedicated to the public. Serenity is proposing to connect to the existing public roads within Canyon Creek Tracts Subdivision.

County Public Works has requested that since this subdivision will be connecting to South 50<sup>th</sup> Street West they will be required to provide a proportional share of the cost to pave the existing South 50<sup>th</sup> Street West, which is currently a county-maintained gravel surface road. **(Condition #2)**

Drainage swales will be installed along the new road sides as required by MDEQ for stormwater management. The applicant will be required to create an RSID for maintenance of the new roads within the subdivision. **(Condition #3)**

The applicant has submitted a TIS to the Yellowstone County Public Works department for their review and comment. Once County Public works has reviewed the document, any corrections or clarifications will be worked out between Public Works and the applicant for a complete and acceptable TIS. Any information in the TIS that needs to be included in the SIA will be added to the final SIA for the subdivision. Any recommendations from the TIS are only implemented by the Board of County Commissioners based on recommendations from County Public Works. **(Condition #4)**

**d. Fire and Police services** – The property is within the BUFSA firefighting area, which is handled by the Billings Fire Department. Subdivision regulations require that major subdivisions have a 30,000-gallon dry hydrant system for the subdivision. The proposed location of the dry hydrant west of Lot 46. It is on the west side of the proposed road Barndominium Boulevard. They will be providing a public easement for it and creating an RSID for its maintenance. The applicant will provide drawings and specification to the Billings Fire Department for review and approval prior to installation. The dry hydrant will be tested and signed off by the Billings Fire Department prior to final plat. This information is outlined in the SIA under the heading IV. Emergency Service. **(Condition #5)**

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

**e. 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.

**f. 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**)

g. **School facilities** – The proposed subdivision is located within Canyon Creek School for K through 8. Students will attend West High School for 9-12.

h. **Parks and recreation** – This proposed subdivision is required to provide parkland. The amount the applicant is required to provide is 3.939 acres. They are proposing to provide 4.398 acres for parkland. The applicant will create an RSID for the maintenance of the park land for this subdivision (**Condition #6**)

i. **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 #7**)

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

k. **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 #8**)

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.

## **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. There were no other impacts identified 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.

*There is existing large lot residential development on the land north, south and west of the proposed subdivision.*

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

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

- Goal: Controlled weed populations.

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

**2. 2023 Billings Urban Area Long Range Transportation Plan**

The subject subdivision maintains the road hierarchy as outlined in the Transportation Plan. The internal streets in the proposed subdivision are local streets and do not conflict with the Transportation Plan.

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

This subdivision is within the BABTMP boundaries for trails. There is a long-term trail identified along South 48<sup>th</sup> Street West and Neibauer. They 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 are subject to MDEQ review for water and septic systems.

**F. Does the proposed subdivision meet any applicable Zoning Requirements? [Section 3.2 (H) (3) (e), YCSR]**

The proposed subdivision is within County Zoning Jurisdiction. The zoning is N4 – Large Lot Suburban on Lots 1 through 57, and Lot 58 is zoned Agriculture.

**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 from South 48<sup>th</sup> Street West. Access to individual lots will be from internal streets.

**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 proposes the Planning Board recommend to the Board of County Commissioners conditionally approval for the preliminary plat of Serenity Subdivision and adopt the Findings of Fact as presented in the staff report.