

FINDINGS OF FACT

The City-County Planning Division Staff has prepared the Findings of Fact for Eastslope 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. The Danford Drain irrigation ditch located adjacent to the southern border of the property will remain unobstructed and unaffected by this subdivision. All other drains and ditches will not be disturbed by the proposed subdivision. No water rights exist within this subdivision so no water rights will be transferred to individual lot owners. There will be no affect on water user facilities with this subdivision.

2. Effect on local services

a. **Water** – The proposed subdivision is not located within any public water district. It is proposed that each lot will have an individual well for domestic water use. Wells for each lot will be the responsibility of the lot purchaser at the time of building construction. Maintenance of the individual cisterns will be the responsibility of the home owner. The proposed water system will be approved by MDEQ prior to final plat approval. In the SIA under the heading VI Utilities A, Water the applicant will add language that they will follow the requirements of Section 4.9 Yellowstone County Subdivision Regulations. **(Condition #1)**

Septic - It is proposed that each lot, within the proposed subdivision, will have a septic system. Lot 1 in the proposed subdivision has an existing gravity septic system. Lots 2-9 are proposed to have individual raised sand mound drain fields. Installation of septic systems for each lot will be the responsibility of the lot purchaser at the time of building construction. Maintenance of the individual septic systems will be the responsibility of the home owner. The proposed septic system will be approved by MDEQ prior to final plat approval. In the SIA under the heading VI Utilities B, Septic systems the applicant will add language that they will follow the requirements of Section 4.8 Yellowstone County Subdivision Regulations. **(Condition #1)**

b. **Streets and roads** – Access to Eastslope Meadows Subdivision is proposed to come from South 64th Street West. All roads within the subdivision are to be public roads. All roads will be built to County Road Standards, 24-foot paved surface with 2-foot gravel shoulders on each side all within a 60-foot-wide access easement. All lots will be accessed from internal subdivision roads. The applicant will create an RSID for road maintenance. **(Condition #2)** The applicant is proposing to install stop signs at the intersection of Russian Olive Drive and South 64th Street West. The stop signs will be

facing into the subdivision. The applicant will have the TIS to County Public works before preliminary plat approval. Any required modifications to the TIS will be corrected before final plat. **(Condition #3)**

c. **Fire and Police services** – The property is within the BUFSA service area. The applicant is proposing to use an existing 30,000-gallon dry hydrant system in Bear Paw Drive South and Bear Paw Drive North to the south east of the proposed subdivision. The applicant believes it is within the ½ road mile to the farthest point in the subdivision. Billings Fire Department will be checking the measurement to verify if it meets the maximum distance requirement. If it does fall within ½ road mile to the furthest distance the applicant will expand the RSID on the above defined 30,000 gallon dry hydrant. Should the Billings Fire Department find it is farther than ½ road mile to the farthest location within the subdivision the applicant will install a 30,000 gallon dry hydrant system within the subdivision. They will create an RSID for the new dry hydrant. Prior to building the tank the applicant will get plans approved by the Billings Fire Department and when it is installed the Billings Fire Department will test it to verify that it is working correctly. The Billings Fire Department will provide a sign off for the dry hydrant prior to final plat approval. **(Condition #4)**

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 to arrange for collection.

e. **Storm water drainage** – Storm water drainage shall satisfy Yellowstone County Storm Water Management requirements and DEQ. Internal roads for this subdivision will have drainage locations that will be identified as required by Section 4.7 of Yellowstone County Subdivision Regulations as called out in the SIA under the heading V. Storm Drainage. They will also be installing retention ponds for each lot as approved by MDEQ prior to final plat. See SIA V, Storm Drainage.

f. **School facilities** – The proposed subdivision is located within Broadview School for K-12. At the time of the writing of these findings there was no response from the Broadview School regarding capacity or bus routes.

g. **Parks and recreation** – This proposed subdivision is not required to provide parkland. The subdivision is proposed to be a commercial subdivision and so parkland dedication is not required.

h. **Postal Service** – The applicant will be required to coordinate with the USPS to ensure they are providing a location for mail delivery that is convenient and safe and approved by the USPS. **(Condition #5)**

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

j. **Phasing of Development** - The applicant is not proposing to phase this subdivision.

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. The impact study shows there is wildlife in the area but available information for these studies is for a broad area which include this acreage. The land has been farmed for many years and that has disrupted the native wildlife on this parcel. 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 landscaping.

5. Effects on public health and safety

Plans and designs for the water and septic system will be reviewed and approved by the Yellowstone City-County Health Department prior to submittal of final plat.

Fire and emergency services are provided for this proposed subdivision from Molt Volunteer 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 pursuant Section 9.2 C of the County Subdivision Regulations. The impacts to the environment which include, agricultural, water user facilities, natural environment wildlife and habitat, will be minimal. The land is not used for agricultural purposes, it is grassland and shrubs. With the large lots proposed the impacts to the natural environment should 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 similar types of large lot 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 for any ground disturbed by development.

2. 2023 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)

A proposed future Bike Lane and Shared Use Path is located along South 64th St. West, however the trail does not intersect the property. No easements or trail improvements are required with this 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 subdivision must receive approval from the MDEQ prior to any building construction on each lot. 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 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 road rights-of-way. 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 from South 64th Street West to the new proposed subdivision roads. The internal streets will provide access to individual lots.

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 Eastslope Meadows Subdivision and adopt the Findings of Fact as presented in the staff report.