

FINDINGS OF FACT

The City-County Planning Division Staff has prepared the Findings of Fact for the preliminary plat of Collier Ridge. 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 not currently used for farming purposes in the past the property was used for cattle grazing. The subject property was not used for farming purposes according to historical aerial imagery. The subdivision does contain two soils that are classified by the United States Department of Agriculture Natural Resources Conservation Service as farmland of statewide importance, Bruston Lonna and Hopley Loam. No ditch runs through the proposed subdivision. There will be no effect 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 cistern on it for domestic water use. The proposed cisterns 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 cisterns will be the responsibility of the homeowner.

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 4.8 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 homeowner.

b. **Streets and roads** – There will be several new roads within the proposed subdivision. These roads will be public roads and will be built to Yellowstone County Paved Road Standards in accordance with Table 4.6.C.1 within 60-foot-wide rights-of-way.

The applicant will be required to create an RSID for maintenance of roads within the subdivision. **(Condition #4)**

A Traffic Impact Study (TIS) has been submitted for this subdivision. 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 not within the Blue Creek Fire Service Area for structure protection. The applicant is heavily recommended to petition the Yellowstone County Department of Emergency Services to expand the service area boundary of Blue Creek Fire Department, as described in Montana Code Annotated (MCA) 7-33-2401 (**Condition #5**) The two proposed 30,000-gallon dry hydrants tanks will be built according to Billings Fire Department standards and tested and approved prior to final plat by the Blue Creek Fire Department, if the aforementioned petition to expand the service area is approved. The applicant will be required to create an RSID for maintenance of dry hydrant tanks within the subdivision. (**Condition #6**)

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** – The proposed subdivision is served by School District 2 and School District 3. The property will be served by Blue Creek Elementary, Riverside Middle School, and Senior High School. Blue Creek Elementary and Riverside Middle School are both under capacity and Senior High School is nearing capacity.

g. **Parks and recreation** – This proposed subdivision is required to provide parkland. The applicant is required to provide 4.42 acres of parkland, and has provided 0 acres. The applicant shall provide Yellowstone County with a cash-in-lieu contribution to satisfy the parkland dedication requirement. Determination of the cash-in-lieu contribution shall be done in accordance with the Yellowstone County Subdivision Regulations.

h. **Postal Service** – The USPS responded to request for comments. The mailboxes for the proposed subdivision will need to be setup with a centralized box location with other mailboxes located on the corner of Collier Road and Secret Valley Drive. If there are any questions they can contact the USPS. The applicant will be required to coordinate with the USPS to ensure they are providing what has been requested. (**Condition #2**)

i. **Historic features** – No known historic or cultural assets exist on the site. The applicant reached out to Montana State Historic Preservation Office for comment, and they requested should anything be found of historical/cultural significance during the project that their office be contacted.

j. **Phasing of Development** - The applicant is proposing to phase this subdivision. There are seven (7) phases being proposed. Associated infrastructure for each phase shall be installed in accordance with emergency service standards and Yellowstone County

Public Works standards. Infrastructure installation, phase opening dates, and lots included in each phase are within the SIA. (**Condition #7**)

Phase	Lots	Timeline
Phase 1	Lots 1 and 2	Immediately
Phase 2	Lots 30-40	June 1, 2025
Phase 3	Lots 3-8, 44 and 45	June 1, 2027
Phase 4	Lots 28-29, 41-43, and 46-48,	June 1, 2029
Phase 5	Lots 9-16 and 50	June 1, 2031
Phase 6	Lots 17-21 and 49	June 1, 2033
Phase 7	Lots 22-27	June 1, 2035

3. Effects on the natural environment

The applicant submitted an environmental assessment in accordance with the Yellowstone County Subdivision Regulations. Within the environmental assessment the Montana State Library Natural Heritage Program (MTNHP) report identified plant species that could be on the property as Giant Helleborine, Letterman’s Needlegrass, and Double Bladderpod. 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 #3**)

There are no apparent or known natural hazards on the property. Slopes over 25% are not proposed for building sites without a geotechnical report.

4. Effects on wildlife and wildlife habitat

A subdivision that contains over 200 acres will create some impact on wildlife and wildlife habitat. The applicant submitted an environmental assessment as required by the Yellowstone County Subdivision Regulations. MTNHP identified that there have been observations of several Species of Concern (native wildlife that are at-risk due to declining population trends, threats to their habitats, restricted distribution, and/or other factors) in the area based on the Section, Township and Range of the proposed subdivision. The Yellow-billed Cuckoo, Plumbeous Vireo, Eastern Screech Owl, Sharp-tailed Grouse, Golden Eagle, Black-and-white warbler, Burrowing Owl, Ferruginous Hawk, Northern Hawk Owl, Pinyon Jay, Veery, Black-billed Cuckoo, Broad-tailed Hummingbird, Green-tailed Towhee, Common Poorwill, American White Pelican, Hooded Merganser, Short-eared Owl, Dickcissel, Long-billed Curlew, Brewer’s Sparrow, Loggerhead Shrike, Rufous Hummingbird, Red-headed Woodpecker, Eastern Bluebird, Greater Sage-Grouse, Ovenbird, Cassin’s Finch, Bobolink, Sprague’s Pipit, Sage Thrasher, Evening Grosbeak, Great Blue Heron and the Great Gray Owl are all native bird species of concern or potential concern that may inhabit the area. The Bald Eagle, a special status species, has also been observed in the area surrounding this subdivision. Other species of concern or special concern include the Western Milksnake, Monarch, Suckley Cuckoo Bumble Bee, Greater Short-horned Lizard, Snapping Turtle, Great

Plains Toad, Plains Hog-nosed Snake, Northern Leopard Frog, Spiny Softshell, Berry's Mountain snail, Black-tailed Prairie Dog, Dwarf Shrew, Merriam's Shrew, Hayden's Shrew, Meadow Jumping Mouse, Canada Lynx, Grizzly Bear, North American Porcupine, Western Spotted Skunk, Long-eared Myotis, Spotted Bat, Eastern Red Bat, Silver-haired Bat, Fringed Myotis, Little Brown Myotis, Townsend's Big-eared Bat, Long-legged Myotis, Hoary Bat, and fish species Brook Stickleback, Burbot, Sauger, and Yellowstone Cutthroat Trout. It's important to note that these are observations within the entire township, section, and range; the species have not necessarily been observed at the site. It's also important to note that since there is not year-round surface water on the property, the likelihood of any fish species inhabiting this proposed subdivision is extremely low. The Planning Division has reached out to several Montana Fish Wildlife and Parks biologists for Region 5. At the time of writing this report, no response has been received. 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.

Emergency services are provided for this proposed subdivision from the Yellowstone County Sheriff's department. The subdivision is not within the structure protection area of Blue Creek Fire Department, but is within the wildland urban interface protection area of Blue Creek Fire Department. It is highly recommended that the applicant petition for a boundary amendment to the Blue Creek Fire Department service area to obtain structure protection of the subdivision. As a requirement of subdivision two 30,000 gallon dry hydrants are provided within the subdivision.

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. The land is not currently being used for agricultural purposes, but was used as grazing land in the past. There have been observations of endangered species in the area based on the Section, Township and Range of the proposed subdivision. The applicant and the Planning Division have reached out to FWP for comment on endangered species but received no response at this time.

C. Does the subdivision conform to the Yellowstone County 2008 Growth Policy, the 2023 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. 2023 Urban Area Transportation Plan

The subject property is partially within the boundary the 2023 Urban Area Transportation Plan. The subdivision will be accessed from Collier Road, a dedicated collector road. All the proposed internal roads will be local roads.

3. Billings Area Bikeway and Trail Master Plan Update (BBTMP)

The subject property is within the Billings Area Bikeway and Trail Master Plan Update. Collier Road is intended to contain a bike lane at the time of future road building or widening along Collier Road. This subdivision will not be widening Collier Road, so no additional construction is required at this time.

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 partially within a zoned area of RR3 and partially outside 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 road right-of-way or utility easement. 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 Collier Road. 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, 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 Collier Ridge to the Board of County Commissioners and adopt the Findings of Fact as presented in the staff report, the SIA and Waiver.