

## FINDINGS OF FACT

The Planning staff has prepared the Findings of Fact for the preliminary plat of Yellowstone Club Estates, 8th Filing. These findings are based on the preliminary plat application and supplemental documents and address the review criteria required by the Montana Subdivision and Platting Act (76-3-608, MCA) and the Billings Subdivision Regulations (Section 23-303(H), BMCC).

### **A. What are the effects on agriculture, local services, the natural environment, wildlife, wildlife habitat, and public health, safety, and welfare? [MCA 76-3-608 (3) (a) and BMCC 23-302.H.2.]**

#### **1. Effect on agriculture and agricultural water user facilities**

The subject property is vacant land that currently has an agricultural covenant. The subdivider is proposing to modify the agricultural covenant to remove Lots 2-8 which will be developed within the city. This will leave Lots 1 and 9 within the county. The perimeter ditches and drains shall remain in place and not be altered by the subdivider or subsequent owners. The subdivision should not affect agricultural water users' facilities.

#### **2. Effect on local services**

- a. **Utilities** – Water service will be provided by the City of Billings. New individual services will be provided to all the lots, and new fire hydrants will be installed as required by the City Fire Department. The water service for this subdivision comes from Ben Hogan Lane and Ouimet Circle. Any needed extension of those water lines will be installed by the subdivider to meet the requirements of the City of Billings Engineering Department regulations. The subdivider will install all new water lines in the local streets and individual services for each lot in accordance with design standards, specifications, rules, and regulations of the City of Billings Engineering/Public Works Department and MDEQ. This is outlined in the SIA under Section 'VI – Utilities, Subsection A – Water'.

Sanitary sewer service will be provided by connecting to the existing City of Billings' sewer mains. There is an existing sewer mains found in Ben Hogan Lane and Ouimet Circle. All new services shall be installed in accordance with design standards, specifications, rules, and regulations of the City of Billings Public Works Department and MDEQ. This is outlined in the SIA under Section 'VI – Utilities, Subsection B – Sanitary Sewer'.

Private Utilities will be provided from existing facilities to the subdivision. No additional easements on the lot frontage have been requested.

**Stormwater** – Stormwater drainage for the public streets is proposed to be provided by curb and gutters that discharge into storm water pipes. These and all other drainage improvements shall satisfy the criteria set forth by the *City of Billings Stormwater Management Manual* and will be subject to review and approval by the City Engineering Department.

- b. **Solid Waste** – The City of Billings will provide solid waste collection and disposal. The City’s landfill has adequate capacity for this waste.
- c. **Streets** – The subdivision is adjacent to Sam Snead Trail, Ben Hogan Lane, Quimet Circle, and Chick Evans Lane. These rights-of-way are currently constructed and in service, and no new access points, street connections, or extensions are proposed as part of this development. Street improvements are included in the Waiver of Right to Protest Future Special Improvement Districts.

Sidewalks are not currently installed along Sam Snead Trail, Ben Hogan Lane, or Billy Casper Drive. No sidewalks will be installed as part of this subdivision, but such improvements are included in the Waiver of Right to Protest Future Special Improvement Districts. This information is all in the SIA under Section ‘III - Transportation.’

- d. **Emergency Services** – The Billings Police and Fire Departments will respond to emergencies within the proposed subdivision. The nearest fire station is Station #7, approximately 1.9 road miles or 5 minutes driving time to the subject property. The subdivision is located within the ambulance service area of American Medical Response (AMR).
- e. **Schools** – School District #2 provides educational services to elementary through high school students. The school district did not raise any special requests or concerns during their review of this proposal.
- f. **Parks and Recreation** – This subdivision requires 0.55 Acres of parkland. The developer is meeting this requirement via a cash-in-lieu contribution.
- g. **Mail Delivery** - The United States Postal Service will provide postal service to the subdivision and has indicated that centralized mailbox units will be required as were installed for the previous filings of this subdivision. The developer will need to coordinate mailbox locations with the postal service (**Condition #1**).

### **3. Effect on the natural environment**

The subject property is currently vacant land with the proposed use of residential land. The property is not located in a floodplain. During development, storm water pollution prevention best management practices are required to be used and monitored to prevent erosion on exposed ground. Overall, the effect on the natural environment should be minimal. Lots 1 and 9 within the county will be required to obtain a Weed Management Plan (**Condition #2**).

### **4. Effect on wildlife and wildlife habitat**

There are no known endangered or threatened species on the property. There is a paragraph in the SIA that warns future lot owners of the presence of deer in the area, which may cause damage to their landscaping. This subdivision should have a minimal effect on wildlife and wildlife habitat.

**5. Effect on the public health, safety, and welfare**

There will be no significant impacts to public health, safety, and welfare because of this subdivision.

**B. Was an Environmental Assessment required? [(MCA 76-3-616 and BMCC 23-302.H.1.)]**

The proposed subdivision is exempt from the requirement for an Environmental Assessment pursuant to Section 76-3-616, MCA.

**C. Does the subdivision conform to the City of Billings 2016 Growth Policy, the 2014 Transportation Plan, and the Billings Area Bikeway and Trail Master Plan? [BMCC 23-302.H.4.]**

**1. City of Billings 2016 Growth Policy**

The proposed subdivision is consistent with the following goals of the Growth Policy:

1. **Strong Neighborhoods** (livable, safe, sociable, and resilient neighborhoods): Neighborhoods that are safe and attractive and provide essential services are much desired.
2. **Home Base** (healthy, safe, and diverse housing options): Planning and construction of interconnected sidewalks and trails are important to the economy and livability of Billings.
3. **Essential Investments** (relating public and private expenditures to public values): Planning and construction of safe and affordable interconnected sidewalks and trails are important to the economy and livability of Billings.

**This subdivision is not subject to the Billings 2045 Land Use Plan and Future Land Use Map as it was submitted prior to adoption or effective dates of the new land use regulations. Incidentally, this request matches the Future Land Use Map designations for this area as Urban Residential Limited. Applications that will be subject to the new regulations, Plan and Map will be processed after July 1, 2026.**

**3. 2023 Billings Urban Area Long Range Transportation Plan**

The proposed subdivision adheres to the goals and objectives of the 2023 Transportation Plan and preserves the street network and street hierarchy specified in the plan.

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

The proposed subdivision is within the jurisdiction of the Billings Area Bikeways and Trail Master Plan. There is a proposed trail network that would connect the subdivision to Canyonwoods Drive multi-use trail, however the applicant is requesting a variance from

Section 23-406.C.1 of the City of Billings Subdivision regulations, and Section 4.6.D of the Yellowstone County Subdivision Regulations, which requires new subdivisions to comply with the currently adopted Active Transportation Plan. The applicant is requesting this variance due to topographic constraints on the area in question, with slopes reaching over 50% in grade. Construction of this connection will be deferred to a time of future develop of either Lot 1 or 9, as stipulated in the SIA, under Section 'III - Transportation, subsection F- Billings Area Bikeway and Trail Master Plan.'

**D. Does the subdivision conform to the Montana Subdivision and Platting Act and to local subdivision regulations? [MCA 76-3-608 (3) (b) and BMCC 23-302.H.3.a.]**

The proposed subdivision satisfies the requirements of the Montana Subdivision and Platting Act and the design standards specified in the local subdivision regulations. The subdivider and the local government have complied with the subdivision review and approval procedures set forth in the local and state subdivision regulations.

**E. Does the proposed subdivision conform to all requirements of the zoning in effect? [BMCC 23-302.H.3.e.]**

The subject property is zoned N3 – Suburban Neighborhood Residential for Lots 2-8 within the city and P1- Parks and Open Space for Lots 1 and 9 within the county. The lot frontages conform to the requirements of this zone. Other building setbacks and structure specific requirements will be reviewed for compliance at the time of building permit review.

**F. Does the proposed plat provide easements for the location and installation of any utilities? [MCA 76-3-608 (3) (c) and BMCC 23-302.H.3.b.]**

The subdivider will provide utility easements as requested by private utility companies on the face of the plat.

**G. Does the proposed plat provide legal and physical access to each parcel within the subdivision and notation of that access on the plat? [MCA 76-3-608 (3) (d) and BMCC 23-302.H.3.c.]**

Legal and physical access is provided to the proposed will be from Sam Snead Trail, Ben Hogan Lane, Quimet Circle, and Chick Evans Lane. No new internal accesses created as part of this subdivision.

**CONCLUSIONS OF FINDINGS OF FACT**

- The preliminary plat of Yellowstone Club Estates, 8th Filing does not create any adverse impacts that warrant denial of the subdivision.
- The proposed subdivision conforms to several of the goals and policies of the 2016 Growth Policy and does not conflict with the Transportation or Bikeway/Trail Plans.

- The proposed subdivision complies with state and local subdivision regulations, local zoning, and sanitary requirements and provides legal and physical access to each lot.
- Any potential negative or adverse impacts will be mitigated with the proposed conditions of approval.

**RECOMMENDATION**

Staff recommends to County Commissioners that the preliminary plat of Yellowstone Club Estates, 8th Filing be conditionally approved and adopt the Findings of Fact as presented in the staff report.

Approved by the Yellowstone County Commissioners July 21, 2026

---

Mark Morse, County Commissioner

---

Mike Waters, County Commissioner

---

Chris White, County Commissioner

**RECOMMENDATION**

Staff recommends to City Council that the preliminary plat of Yellowstone Club Estates, 8th Filing be conditionally approved and adopt the Findings of Fact as presented in the staff report.

Approved by the Billings City Council, July 27, 2026

---

Mike Nelson, Mayor