FINDINGS OF FACT

The City-County Planning Division Staff has prepared the Findings of Fact for the preliminary plat of Pryor Creek 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 not used for farming purposes. No ditch runs through the proposed subdivision. According to the SIA under the heading VIII, Irrigation “be no irrigation within Pryor Creek Subdivision.” There will be no affect 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 cisterns 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) for all parcels less than 20 acres in size and the Yellowstone County Health Department for all parcels equal to or greater than 20 acres in size. The applicant will provide a copy of the MDEQ & Yellowstone County Health Department approvals for the septic systems at the time of final plat. (Condition #1) Maintenance of the individual cisterns will be the responsibility of the home owner.

   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 4.9 of the Yellowstone County Subdivision Regulations and will need to have MDEQ approval for all parcels less than 20 acres in size and Yellowstone County Health Department approval for all parcels equal to or greater than 20 acres in size. The applicant will provide a copy of the MDEQ and Yellowstone County Health Department approvals for the septic systems at the time of final plat. (Condition #1) Maintenance of the individual septic systems will be the responsibility of the home owner.

   b. Streets and roads – There will be no new roads within the proposed subdivision.

   All created lots have street frontage to Pryor Creek Road, a State Highway.

   A TIS was not necessary for this subdivision.

   c. Fire and Police services – The property is within the Worden Volunteer Fire Department. The applicant will be installing a 10,000-gallon dry hydrant system as required by Yellowstone County Subdivision Regulations. The location, access and construction drawings for the dry hydrant system are to be reviewed and approved by
Worden Fire Department prior to installation.

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 MDEQ for all parcels less than 20 acres in size and Yellowstone County Health Department approval for all parcels equal to or greater than 20 acres in size to ensure the proposed stormwater management is feasible and will work satisfactorily. (Condition #1)

f. School facilities – The proposed subdivision is located within the Huntley Project School District for K-8 and High School students. Huntley Project School district did not comment on capacity for additional students.

g. Parks and recreation – This proposed subdivision is not required to provide parkland.

h. Postal Service – The USPS did not respond to request for comments; 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.

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 #5)

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 and Yellowstone County Health Department prior to final plat approval to ensure public health and safety.

Fire and emergency services are provided for this proposed subdivision from Worden Volunteer 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 required for this subdivision pursuant Section 9.2 C of the County Subdivision Regulations. 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 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. 2018 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)
The subject property is not within the Billings Area Bikeway and Trail Master Plan Update.

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 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 private 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 for lots 2, and 4 will be provided from Pryor Creek Road. Legal and physical access for lot 1 will be provided by a shared private access easement through lot 2. Legal and physical access for lot 3 will be provided by a shared private access easement through lot 4. Easement documents must state whether further subdivision will be allowed. (Condition #6)

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 recommends the Board of County Commissioners conditionally approve the preliminary plat of Pryor Creek Subdivision and adopt the Findings of Fact as presented in the staff report, the SIA and Waiver.