

## **FINDINGS OF FACT**

The City-County Planning Division Staff has prepared the Findings of Fact for Banlee 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. There are no irrigation systems located within this subdivision. There will be no effect 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. Each lot will use a well for domestic water use. Lots 2-A1 and 2-A2 have a shared well located on Lot 2-A2 for water service. Lot 2-A3 has an individual water well located on Lot 2-A3 for water service. Wells for this subdivision already exist and will continue in use. The operation and maintenance of the water system will be the responsibility of individual lot owners. The applicant's agent has a current copy of the Certificate of Subdivision Approval (COSA) from MDEQ that approved the existing wells and septs. They will be getting an updated COSA for the site with the new proposed individual lot layout. The agent will be submitting that document with the final plat. **(Condition #1)**

b. **Septic** - The proposed subdivision is not located within any public sewer district. All lots in the subdivision have a system of one septic tank and gravelless chambered pressure dosed subsurface drainfield sized to service the use on the proposed lots. The operation and maintenance of the septic system will be the responsibility of the individual lot owner. **(Condition #1)**

All private utilities, power, telephone, gas and cable television will be installed in the public right of way or easements identified on the plat.

c. **Streets and roads** – There will be no new roads built within the subdivision. The proposed lots all have frontage on Stanhope Road, it is a 60' wide private road easement.

d. **Fire and Police services** – The property is in the Shephard Volunteer Fire Department jurisdiction. With this minor subdivision that creates five lots they will be installing a 30,000-gallon dry hydrant tank. The applicant will submit specifications for the dry hydrant tank to the Shepherd fire department for approval before installation. After the tank is installed the applicant will have the Shepherd fire department test it to ensure it functions correctly. **(Condition #2)**

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** – All drainage improvements shall comply with the provisions of Section 4.7, Yellowstone County Subdivision Regulations, and a stormwater management plan shall be submitted to and approved by the County Public Works Department.

g. **School facilities** – The proposed subdivision is located within School District #37 Shepherd Schools. Shepherd school district provides school for K-12.

h. **Parks and recreation** – This proposed subdivision is not required to provide parkland as it is a minor subdivision.

i. **Postal Service** – Postal service is already taking place at this subdivision to the existing homes and arena built on the land. Postal delivery will continue as it is currently set up.

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. Any subdivision that has an existing Weed Management Plan are required to get an updated Weed Management Plan. That plan will be submitted with final plat approval. **(Condition #3)**

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**

The water and septic systems are in place at this time for the two houses and horse arena.

**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. Section 9.2 C Exemptions 1. A first minor subdivision from a tract of record. This property is a COS and has not been subdivided at this point. The impacts to the environment which include, agricultural, water user facilities, natural environment wildlife and habitat, will be minimal. The land is already developed with two houses and a horse arena. Any environmental impacts to the land have already taken place. 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 rural 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 Billings Urban Area Long Range Transportation Plan**

The subject property is outside of the 2023 Urban Area Long Range Transportation Plan. As proposed, there are no new streets.

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

This subdivision is outside the BABTMP boundaries for trails.

**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 already has septic systems in place. Any new systems must receive approval from MDEQ.

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

The proposed subdivision is outside County Zoning Jurisdiction. There are no Yellowstone County zoning regulations on the subject property.

**G. Does the subdivision provide for necessary planned utilities? [MCA 76-3-608 (3) (c) and Section 3.2 (H) (3) (b), YCSR]**

The applicant will coordinate with private utility companies to provide the required easements.

**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 Stanhope Road. There are no new roads proposed to be built.

**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 to the Board of County Commissioners conditional approval for the preliminary plat of Banlee Subdivision and adopt the Findings of Fact as presented in the staff report.