

FINDINGS OF FACT

The City-County Planning Division Staff has prepared the Findings of Fact for Peterson Road Estates 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. Based on the acreage size of the lots within this subdivision along with the unknown use, size, and location of building(s) to be constructed, the subdivision lots will have sanitary restrictions place on them. The lots will have water supply permitting completed at a future date. Water systems will be installed meeting the requirements outlined in Section 4.9 of the Yellowstone County Subdivision Regulations. For lots equal to or greater than 20 acres, Yellowstone City-County Health Department approval is required. The subdivider will work with the future lot owners on completion of permitting through Yellowstone County Sanitarian, Riverstone Health Department, when use, size, and location on the lot have been determined. **(Condition #1)** The operation and maintenance of the water system will be the responsibility of individual lot owners.

b. **Septic** - The proposed subdivision is not located within any public sewer district. Based on the acreage size of the lots within this subdivision along with the unknown use, size, and location of building(s) to be constructed, the subdivision lots will have sanitary restrictions place on them. The lots will have sanitary permitting completed at a future date. Septic systems will be installed meeting the requirements outlined in Section 4.8 of the Yellowstone County Subdivision Regulations. For lots equal to or greater than 20 acres, Yellowstone City-County Health Department approval is required. The subdivider will work with the future lot owners on completion of permitting through Yellowstone County Sanitarian, Riverstone Health Department, when use, size, and location on the lot have been determined. **(Condition #1)** The operation and maintenance of the septic system will be the responsibility of the individual lot owner.

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 roads built within the subdivision. The

proposed lots all have frontage on Peterson Road. Peterson Road is a 60' wide 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** – The storm water will drain as it has historically done. The lots are large enough that storm water will absorb into the ground and drain off as it has always done.

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 and the lots are all over 5 acres.

i. **Postal Service** – The applicant will be required to coordinate with the USPS to ensure they are providing a safe location for the postal worker to deliver the mail and the residents to retrieve their mail. **(Condition #3)**

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 #4)**

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 Yellowstone City-County Health Department prior home construction on each lot to ensure public health and safety.

Fire and emergency services are provided for this proposed subdivision from Billings 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. Section 9.2 C Exemptions 1. A first minor subdivision from a tract of record. This property is a certificate of survey and has not been subdivided at this point. 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 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 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 internal 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 must receive approval from Yellowstone City-County Health Department.

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 Peterson 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 Peterson Road Estates Subdivision and adopt the Findings of Fact as presented in the staff report.