

FINDINGS OF FACT

The City-County Planning Division Staff has prepared the Findings of Fact for the preliminary plat of WWB 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 ditches run through the proposed subdivision. According to the SIA under the heading VIII, Irrigation "No water rights have been transferred to the lot owners." Irrigation ditches that exist on the perimeter of this development are for the benefit of other properties. Perimeter ditches and drains shall remain in place and shall not be altered by the Subdivider or subsequent owners. These are outlined in the SIA under the same heading as referenced earlier in the paragraph. 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. There is an existing well that serves Lot 1, and there will be a shared water service agreement established between Lot 1 and Lot 2. The applicant will provide a copy of the MDEQ approval for the water systems at the time of final plat (**Condition #1**).

There is an existing septic system that serves Lot 1. The applicant is proposing sanitary restrictions placed on Lot 2. 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 septic system will be the responsibility of the property owner.

b. **Streets and roads** – There will be no new roads within the proposed subdivision. Access to the site will be provided by the existing developed road - Goodman Road. A no-access strip will be established along the entire frontage of South Frontage Road. (**Condition #6**) The applicant is requesting a variance for the development of sidewalks as part of this subdivision and would defer construction to a later time through an RSID.

A TIS is not necessary for this subdivision.

c. **Fire and Police services** – The property is within the Billings Urban Fire Service Area (BUFSA). There is an existing dry hydrant system 1,900 feet away from the proposed subdivision.

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 storm water management is feasible and will work satisfactorily (**Condition #1**).

f. **School facilities** – No applicable school districts responded to comments. This is commercial/industrial subdivision, therefore there should be no impact on the schools.

g. **Parks and Recreation** – Per 76-3-621(3)(b) and Yellowstone County Subdivision Regulations Section 10.8.C. the proposed commercial/industrial subdivision is not required to provide parkland.

h. **Postal Service** – The applicant will coordinate with the USPS to determine what type of deliver system is preferred and to locate and provide the correct amount of space for safely delivering the mail to the residents. (**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 prior to final plat approval to ensure public health and safety.

Fire and emergency services are provided for this proposed subdivision from Billings Urban Fire Service Area (BUFSA) 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. The land is not used for agricultural purposes. There are no known endangered species on the land. A weed management plan and property inspection shall be completed by the County Weed Department prior to final plat approval. **(Condition #5)**

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 commercial 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 commercial 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 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 MDEQ review. **(Condition #1)**

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

The proposed subdivision is within a zoned area of Yellowstone County. (Heavy Commercial – CX)

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 already installed within the right-of-way of Goodman Road. Connection to said utilities will be coordinated by the lot owner at time of development. 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 Goodman Road. No internal streets are proposed for this subdivision. A no-access strip will be established along the entire frontage of South Frontage Road. **(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 to the Board of County Commissioners conditional approval of the preliminary plat of WWB Subdivision, approval of the variance request, and adopt the Findings of Fact as presented in the staff report.