

FINDINGS OF FACT

The City-County Planning Division Staff has prepared the Findings of Fact for Pronghorn 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 open grassland with no farming activity. No water rights or shares will be transferred to individual lot owners. There are no irrigation ditches that exist on the perimeter of this development, or within the development. There will be no effect on the water users downstream from this property.

2. Effect on local services

a. **Water** – The proposed subdivision is not located within any public water district. Each lot in the subdivision will be served by cisterns. Each cistern will receive approval from the Montana Department of Environmental Quality, or its designee. Water systems will be installed meeting the requirements outlined in Section 4.9 of the Yellowstone County Subdivision Regulations and the MDEQ. **(Condition #1)** The operation and maintenance of approved water cistern systems will be the responsibility of each individual lot owner.

b. **Septic** - The proposed subdivision is not located within any public sewer district. The subdivision will be served by wastewater disposal systems as submitted to and approved by Montana Department of Environmental Quality (MDEQ). These systems shall be located and installed as approved by Montana Department of Environmental Quality, or its designee.

The Subdivision is proposed to be served by individual septic systems on each lot. Septic systems will be installed meeting the requirements outlined in Section 4.8 of the Yellowstone County Subdivision Regulations and the MDEQ. **(Condition #1)** The operation and maintenance of the septic system will be the responsibility of individual lot owners.

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** – Access to the Subdivision shall be from an approach off Highway 87 N to Purple Sage Road. Directly off Highway 87 N is a partial right of way width for Purple Sage Road provided on the south end of Certificate of Survey 732. On the southern end of Hidden Lake Subdivision there is right of way for Purple Sage Road

although it is not a full 60 feet of right of way. This was dedicated as part of Hidden Lake Subdivision. To ensure that in the future, should Purple Sage Road be built, there is enough right of way for this to happen. **(Condition #2)** Another access is required for this subdivision, with phase 1, to meet the requirements of the Yellowstone County Subdivision Regulations. The second access will come from Highway 87 N into the subdivision on Wiens Road, this is a new road proposed with the subdivision. In the SIA under the heading III Transportation A., located at the access points proposed for this subdivision, Purple Sage Road and Wiens Road, the developer will be installing Right turn lanes into the subdivision off Highway 87 N. Roads within the subdivision, will be built to the County standard for a paved surface road. All roads will be within 60-foot-wide right of way with a 24-foot paved surface. An RSID will be created to maintain the roads within the subdivision. **(Condition #3)**

There are several lots along the future Purple Sage Road, they also have access from internal subdivision streets. This type of double frontage lots shall be required to have a 1 foot no access strip along the lots with double frontages. This includes Lots 1–10 and 12 of Block 1; Lots 1, 5–6, and 10 of Block 2; Lots 1, 5–6, and 10 of Block 3; Lots 1, 3, and 7–8 of Block 4; Lots 1–3, 8, and 11 of Block 5; Lots 1, 4–6, and 12–13 of Block 6; Lots 1, 7, and 12 of Block 7; Lots 1–2, 5–6, and 9 of Block 8; Lots 1–3 and 8 of Block 9; Lots 1–3 and 7 of Block 10; Lots 1–4, 6, and 10 of Block 11; Lots 1–3 and 5–7 of Block 12; and Lots 1 and 3 of Block 13. **(Condition #4)**

A TIS has been submitted for the proposed subdivision and included future filings of the subdivision. The traffic study showed the first filing to have an impact at the proposed access of Purple Sage Road (Access A) and Highway 87 N. Contributions for intersections impacts are shown in the table below.

Pronghorn Subdivision Intersection Cost Contribution Prepared by: IMEG Corp. Revised: 03/01/2026			
FILING 1			
Intersection	Percent	Cost of Intersection	Contribution by Intersection
#1 HWY 87 & Lorraine St	1.05%	\$ 500,000	\$ -
HWY 87 & Access A	8.07%	\$ 500,000	\$ 40,350
Total			\$ 40,350

The TIS will be updated to include the new access into the subdivision on Wiens Road. **(Condition #5)** The subdivision will not be using Leawood or Lorraine to access Highway 87 N.

d. **Fire and Police services** – The property is within the Shepherd Volunteer Fire District boundary. This subdivision will be provided fire service from Shepherd VFD. The subdivision will have two dry hydrant tanks. One dry hydrant is located within Phase 1 of the subdivision off of Shops Galore Court. The second dry hydrant is located within Phase 5 of the subdivision off of Black Sage Road. The applicant shall submit drawings for the tank to the Shepherd VFD for review and approval. When the tank is installed the applicant will have the system tested and signed off by the Shepherd VFD. Any road that

is over 150 feet due to phasing layout must have a temporary turn around until the next phase makes a connection and the road is no longer a dead end. **(Condition #6)**

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** – Stormwater management for the Pronghorn Subdivision will be addressed through a combination of community storm ponds and individual lot-level residential retention ponds. These systems are designed to safely accommodate runoff generated by both impervious surfaces (e.g., roads and driveways) and graded residential areas while protecting downstream properties, infrastructure, and natural drainage corridors.

Proposed storm water drainage shall be submitted to the MDEQ for review and approval prior to final plat. All proposed stormwater systems shall meet the requirements of Section 4.7 of Yellowstone County Subdivision Regulation's and the requirements of MDEQ. **(Condition #1)**

g. **School facilities** – The proposed subdivision is located within Independent Elementary School, District #52, for K through 6. The school served a student population of approximately 299 students this year. Medicine Crow Middle School will provide school for grades 6 through 8. Medicine Crow Middle School is currently just under capacity. Capacity is 700, most recent enrollment 468. Skyview High School will provide school for grades 9 through 12. Skyview High School is currently just under capacity. Capacity is 1,684 most recent enrollment 1,632.

h. **Parks and recreation** – Parkland dedication is required for this subdivision. The applicant is proposing to provide a cash in lieu contribution for parkland meeting the requirement of state statute. Parkland acreage will be added to the SIA to determine the amount of contribution and analysis meeting Section 10.6 of the Subdivision Regulations will be required to meet the correct cash in lieu contribution. **(Condition #7)**

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 #8)**

j. **Historic features** – No known historic or cultural assets exist on the site.

k. **Phasing of Development** - The applicant is proposing to develop this subdivision in seven phases. The applicant will provide the correct paperwork to be recorded with the final plat, restriction on conveyances. **(Condition #9)**

- Phase 1 – Will include Lots 1 through 12 in Block 1, Lots 1 through 10 in Block 2, Lots 1 through 5 in Block 3, Lots 1 through 3 in Block 4, Lot 1 in Block 5, Lots 1 through 7 in Block 12, and Lots 1 through 3 in Block 13. This phase will include construction of Purple Sage Road and Wiens Road through the intersection of Kipper’s Road, the subdivision’s two primary access roads from Highway 87, Kipper’s Court, Kipper’s Road, Shops Galore Road, North Shops Galore Road, Leawood Court, a portion of East Shops Galore Road, a portion of West Shops Galore Road, and a portion of South Shops Galore Road. There will also be a connection made to Leawood Drive and Shop’s Galore intersection. This phase will include access to the commercial lots and set up for the future portion of South Shops Galore Road corridor. A 30,000-gallon dry hydrant will be installed along Shops Galore Road during this phase as shown on the plat. Construction will begin immediately upon approval of the final plat.
- Phase 2 – Will include Lots 6 through 10 in Block 3 and Lots 2 through 11 in Block 5. This phase will open June 1, 2029.
- Phase 3 – Will include Lots 10 through 14 in Block 4 and Lots 12 through 17 in Block 5. This phase will open June 1, 2032.
- Phase 4 – Will include Lots 1 through 8 in Block 10 and Lots 1 through 11 in Block 11. This phase will open June 1, 2035.
- Phase 5 – Will include Lots 1 through 12 in Block 6 and Lots 1 through 6 in Block 7. This phase will open June 1, 2038.
- Phase 6 – Will include Lots 13 through 16 in Block 6, Lots 7 through 12 in Block 7 and Lots 1 through 12 in Block 8. This phase will open June 1, 2041.
- Phase 7 – Will include Lots 1-8 in Block 9. This phase will open June 1, 2044.

There are additional details in the SIA under the heading XI. Phasing of Improvements. The SIA includes which roads and what infrastructure will be included with each phase.

Public improvements will be constructed by way of a private contract with each phase.

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 is required to get an updated Weed Management Plan. A weed management plan will be completed and a copy will be submitted with final plat. **(Condition #10)**

There are no apparent or known natural hazards on the property.

4. Effects on wildlife and wildlife habitat

Impacts on Significant, Important, and Critical Habitat: The environmental assessment provided with the subdivision does not identify any endangered wildlife on the area where the subdivision is being proposed.

This site is well-suited for development of a residential neighborhood. The development will be done in a responsible, orderly manner, and in accordance with Yellowstone County Subdivision Regulations, Administrative Rules of Montana, and DEQ, DNRC, and all other state and local development standards. By so doing, this subdivision will create no significant negative impact to the environment or community but will, instead, be an asset to the area.

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 building construction on each lot to ensure public health and safety.

Fire and emergency services are provided for this proposed subdivision from Shepherd 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)

The applicant did provide an environmental assessment as required for this subdivision pursuant Section 9.2 of the County Subdivision Regulations. Following are the conclusions for vegetation and wildlife. There is no riparian habitat within this proposed subdivision as there are no streams that run year-round.

Vegetation: Mixed-grass prairieland: A system that covers much of the eastern two thirds of Montana, interrupted typically only by wetland/riparian areas or sand prairies and defined by vegetation supported by climates of harsh winter and short hot summers including but not limited to western wheatgrass and Festuca and Bromus [genus] grass species.

Wildlife: No 'key' wildlife areas are known to exist in the subdivision. There is a wildlife corridor provided by the natural drainages through the subdivision. Those will not be altered by the subdivider.

Wildlife Corridor: a swath of undeveloped land connecting two habitats so wildlife can more safely move between them in facilitation of healthy species populations and ecosystems.

C. Does the subdivision conform to the Yellowstone County 2008 Growth Policy, the 2023 Long Range Transportation Plan, and Billings Area Bikeway and Trail Master Plan? [Section 3.2 YCSR]

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 to the north. There is residential development to the north and to the southeast.

- 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 maintains the road study area of the Transportation Plan. The subdivision includes local streets, future connectivity, and a dedication associated with the functional class map for a future highway on the southern boundary of the property.

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

This subdivision is outside the BABTMP boundaries for trails. This subdivision will not be required to install any trails at this time.

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 the MDEQ prior to any building construction on each lot. The new parcels will have both water and septic on each lot. This system will be approved by MDEQ before final plat.

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

The proposed subdivision is outside the County Zoning Jurisdiction.

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 from two points off Highway 87 N. One is from Purple Sage Drive and the other from Weins Road. Access to each lot will be from the internal roads of the subdivision.

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

The Planning Board is forwarding a recommendation of conditional approval to the Board of County Commissioners for the preliminary plat of Pronghorn Subdivision and adopt the Findings of Fact as presented in the staff report.