

## FINDINGS OF FACT

The City-County Planning Division Staff has prepared the Findings of Fact for Platinum Commercial Park 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 has been used for farming purposes. No water rights or shares will be transferred to individual 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 without permission of said adjacent properties. There will be no effect on the water users down stream from this property.

#### **2. Effect on local services**

a. **Water** – The proposed subdivision is not located within any public water district. The subdivision will be served by individual wells or alternative water source as approved by 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 system will be the responsibility of individual lot owners.

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. These systems shall be located and installed as shown on the site layout approved by Montana Department of Environmental Quality, or its designee.

The Subdivision is proposed to be served by a community wastewater treatment system located on Utility Lot 7, Block 2, which will be dedicated to the public in accordance with Yellowstone County Subdivision Regulations Section 4.8, E. An RSID will be formed to provide maintenance, repair, and replacement of said community wastewater treatment system. Septic 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 the septic system will be the responsibility of the County through an RSID.

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 proposed approaches on Danford Road and South 72<sup>nd</sup> Street West as approved by the Yellowstone County Public Works Department. Resource Way, within the subdivision, will be built in 74-foot-wide right of way and be built with a 34-foot paved surface. Palladium Way will be built in 60-foot-wide right of way and be built with a 24-foot paved surface. An RSID will be created to maintain the roads within the subdivision. **(Condition #2)**

This subdivision has frontage on Danford Road and South 72<sup>nd</sup> Street West. To meet the requirements of more than one way in and out there will be one access from South 72<sup>nd</sup> Street West and one from Danford Road.

A TIS has been submitted for this proposed subdivision. After initial review County Public works stated that there are some negligible corrections and minor information that needs to be addressed by the applicant. No existing road improvements are required for this subdivision. In the future should there be more development then this subdivision can be assessed proportional cost through the Waiver.

Any required improvements to intersections or possible widening at access points to accommodate traffic movement into and out of the subdivision will be completed by the applicant. Any item identified in the TIS that needs to be done will be coordinated with the applicant and County Public Works. **(Condition #5)**

d. **Fire and Police services** – The property is within the BUFSA boundary. This subdivision will be provided fire service from the Billings Fire Department. The subdivision will have a dry hydrant tank installed alongside the road Resource Way on the edge of the Utility Lot, as shown on the plat. The applicant will submit drawings for the tank to the Billings Fire Department for review and approval. When the tank is installed the applicant will have the system tested and signed off by the Billings Fire Department. **(Condition #3)**

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 drainage will be collected onsite using a combination of swales and the natural slope of the land. 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 Laurel School District. Because this is a commercial / industrial subdivision there will be no impact on schools.

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

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 business owners to retrieve it. (**Condition #4**)

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. The weed management plan has been completed and will be submitted with final plat.

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:

According to the U.S. Fish and Wildlife Service’s IPaC (Information for Planning and Consultation), there are no critical habitats within the Area of Interest (AOI). Critical habitat for listed species is not known to be present on the AOI; however, changing the land use could potentially impact some food supply for multiple species of birds.

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 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)**

A summary of impacts was required for this subdivision pursuant Section 9.2 of the County Subdivision Regulations.

**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. Large lots with homes on those lots.*

- 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. As proposed, the internal streets are neighborhood streets associated with this subdivision.

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

This subdivision is inside the BABTMP boundaries for trails. There are future trails shown on South 72<sup>nd</sup> Street and Danford Road. At a future time when these two roads are widened those trails will be installed. 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 be connected to the subdivision community septic system. 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 South 72<sup>nd</sup> Street and Danford 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 Platinum Commercial Park Subdivision, approve the variance requests and adopt the Findings of Fact as presented in the staff report.