

## **Findings of Fact – Josephine Crossing Subdivision, 2<sup>nd</sup> Filing**

The Planning staff on behalf of the Planning Board has prepared the Findings of Fact for the preliminary plat of Josephine Crossing Subdivision, 2<sup>nd</sup> Filing and has provided them for review and adoption by the City Council, as follows:

### **A. What are the effects on agriculture, local services, the natural environment, wildlife and wildlife habitat and public health, safety and welfare? [MCA 76-3-608 (3) (a) and BMCC 23-304 (c) (1)]**

#### **1. Effect on agriculture and agricultural water user facilities**

The subject property is vacant former cropland located in the City limits that has been slated for urban development since it was originally master planned in 2006. There are no irrigation facilities in this area. As such, this development should not have a negative effect on the agricultural industry.

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

- a. **Utilities** – Water service will be provided by the City of Billings. The developer will install new water mains in all of the new local streets, new individual services to all of the lots, and new fire hydrants in accordance with design standards, specifications, rules and regulations of the City of Billings Public Works Department, Fire Department and the Montana Department of Environmental Quality (MDEQ).

Sanitary sewer service will be provided by connecting to the existing City of Billings' sewer mains in the subdivision. The subdivider will install new sewer mains in the local streets and individual services for each lot in accordance with design standards, specifications, rules and regulations of the City of Billings Public Works Department and MDEQ. Due to the relatively shallow pipes, and the minimum depth requirement of four feet below grade, the southern portion of this subdivision will be receiving low-pressure sewer service. This necessitates the installation of an E-1 grinder pump or similar to boost sewage disposal for each effected household. A note to this effect is included in the 'Conditions that Run with the Land' section of the SIA.

MDU will provide gas services and NorthWestern Energy will provide electric services to the subdivision. Easements have been shown on the face of the plat that are acceptable to these utility providers. Many of the private utilities lines will go in the alleys.

- b. **Storm water** – Storm water drainage for the public streets is proposed to be provided by curb and gutters that discharge into perforated storm water pipes and eventually to a detention pond south of the subdivision. Because the subsurface soils are alluvial gravels, a perforated pipe system will help disperse much of the stormwater to the groundwater prior to it reaching the off-site detention pond. These and all other drainage improvements shall satisfy the criteria set forth by the *City of Billings Stormwater Management Manual* and will be subject to review and approval by the City Engineering Department.

- c. **Solid waste** – The City of Billings will provide solid waste collection and disposal. The City’s landfill has adequate capacity for this waste.
- d. **Streets** – The proposed subdivision would create a local street network off of Front Street, the main north-south street in the existing subdivision. Each local street has an alley for garage access. The streets are proposed to be built to City standards by providing a 34-foot width, curb/gutters, and boulevard sidewalks. There are mid-block crossings on Front Street and Lost Creek Road to facilitate access to the parkland between them. There is also a mid-block crossing on Josephine Park Way to connect pedestrians to and from the plaza green in the park, and the natural park area and “Norm’s Island” to the south.

A Traffic Impact Study (TIS) was completed with the original Master Plan in order to evaluate the subdivision’s impact on the street network in the surrounding area. The developer has provided, and City Engineering staff is reviewing, an update to the original TIS due to slight modifications in proposed uses in this filing. With this update, they are also evaluating possible intersection control options. Any recommendations from the updated TIS shall be followed and implemented for this second filing (**Condition #1**).

- e. **Emergency services** – The Billings Police and Fire Departments will respond to emergencies within the proposed subdivision. The nearest fire stations are located 476 6<sup>th</sup> St. West (Station #4) and 604 S. 24<sup>th</sup> St. West (Station #5). Fire Department staff has requested that two paragraphs be added to the SIA in order to ensure compliance with the fire code prior to construction of new structures (**Condition #2**). The Billings Chief of Police noted in comments that “...Already in established patrol area. Continued development without increase in resources may adversely affect our ability to provide timely service.” The subdivision is located within the ambulance service area of American Medical Response (AMR).
- f. **Schools** –School District #23 (Elysian Elementary) provides educational services to elementary through middle school students. Responses from Elysian indicated that due to their recent increase in student body (presumably from Josephine Crossing Sub. and Riverfront Pointe Sub. to the north), the district voters recently approved a \$250,000 school bond to help fund the addition of a modular unit for two more classrooms. The developers of Josephine Crossing have indicated that they are donating their time and expenses to get the site prepared for the modular unit. They are also in discussion with the school on how to deal with a nearly maxed out bussing system. Senior High School (School District #2) would serve the high school children in this subdivision. A response from principal, Dennis Holmes, indicated that Senior High is at capacity with 1,700 students. He did not suggest any remedies at this time.
- g. **Parks and Recreation** – Residential subdivisions creating lots with housing densities less than one dwelling unit per ½-acre are required by State and local laws to dedicate 11% of the net land area (or provide an equivalent cash contribution) for parkland. Additional provisions in the laws allow this dedication of parkland to be waived if “the subdivision provides for a planned unit development or other development with land

permanently set aside for park and recreational uses sufficient to meet the needs of the persons who will ultimately reside in the development; and the land and any improvements set aside for park purpose equals or exceeds the area [otherwise required].” When the Josephine Crossing Master Plan was originally reviewed and the Planned Development documents were approved and adopted by the City, parkland provisions were established as an integral part of the neighborhood. Overall, more than 11% of the land area in the entire Planned Development is being provided for parkland, and the developers have improved the parkland with turf, irrigation, and numerous recreation facilities and features. Specific to this second filing of the subdivision, the developers are providing a 1.27-acre park area and are developing it with several sport courts, an amphitheater, spray park, and barbecue area. This park area will be privately owned and maintained by the very active Homeowners’ Association for the subdivision. Parks Department staff is satisfied with this proposal.

- h. **Mail Delivery** - The United States Postal Service will provide postal service to the subdivision and has indicated that centralized mailbox units will be required as were installed for the first filing of this subdivision. A note in the SIA acknowledges this, and indicates the developer’s intent to coordinate mailbox locations with the postal service.

### **3. Effect on the natural environment**

The subject property is dry grassland slightly sloping to the south toward the Yellowstone River. The 100-year flood plain as identified by FEMA is adjacent to the subject property, however none of it is located within the area of proposed subdivision. Properties such as this that are adjacent to the river may eventually be subject to erosion from the river. A ‘Yellowstone River Channel Migration Study’ sponsored by the Yellowstone River Conservation District Council and the U.S. Army Corps of Engineers was recently conducted to map the historic movement of the river, and can provide valuable information for property owners adjacent to the river. Therefore it is recommended as a condition of approval that a note shall be added to the ‘Conditions that Run with the Land’ Section of the SIA stating: “Lot owners should be aware that the Yellowstone River Channel Migration Study sponsored by the Yellowstone River Conservation District Council and the U.S. Army Corps of Engineers has identified areas which may be susceptible to erosion by the Yellowstone River. Owners are encouraged to review the extent to which bank erosion may pose a threat to structures built in this subdivision” (**Condition #3**).

### **4. Effect on wildlife and wildlife habitat**

There are no known endangered or threatened species on the property. There is a note in the SIA that warns future lot owners of the presence of deer in the area, which may cause damage to their landscaping. This subdivision should have a minimal effect on wildlife and wildlife habitat.

### **5. Effect on the public health, safety and welfare**

There is no portion of the property within the floodplain of the river, and all public facilities will be reviewed for compliance at the time of construction. There should be little effect on public health, safety and welfare as a result of this proposal.

**B. Was an Environmental Assessment required? [(MCA 76-3-603 and BMCC 23-304 (c) (1)]**

The proposed subdivision is exempt from the requirement for an Environmental Assessment pursuant to Section 76-3-210, MCA.

**C. Does the subdivision conform to the Yellowstone County-City of Billings 2008 Growth Policy, the Urban Area 2010 Transportation Plan Update and the Heritage Trail Plan? [BMCC 23-304 (c) (3)]**

**1. Yellowstone County-City of Billings 2008 Growth Policy**

The proposed subdivision is consistent with the following goals of the Growth Policy:

- a. Goal: More housing and business choices within each neighborhood (p. 6).
- b. Goal: New developments that are sensitive to and compatible with the character of adjacent City neighborhoods and County townsites (p. 6).
- c. Goal: Protect and increase the availability of public access to natural areas and trails along the River (p. 10).
- d. Goal: Safe, functional, and attractive streets for all users, including drivers, bicyclists and pedestrians (p. 13).
- e. Goal: Healthy, safe neighborhoods and communities with sense of pride (p. 15).

**2. Urban Area Transportation Plan 2009 Update**

The proposed subdivision adheres to the goals and objectives of the 2009 Transportation Plan Update and preserves the street network and street hierarchy specified in the plan.

**3. Heritage Trail Plan**

The proposed subdivision lies within the jurisdiction of the Heritage Trail Plan. A trail corridor exists within parkland dedicated to the City in the first filing of this subdivision. This trail connects the subdivision to “Norm’s Island” and Riverfront Park. It is presently a soft surfaced trail and no immediate plans to improve it have been proposed.

**D. Does the subdivision conform to the Montana Subdivision and Platting Act and to local subdivision regulations? [MCA 76-3-608 (3) (b) and BMCC 23-304 (c) (4)]**

The proposed subdivision satisfies the requirements of the Montana Subdivision and Platting Act and to the design standards specified in the local subdivision regulations. The subdivider and the local government have complied with the subdivision review and approval procedures set forth in the local and state subdivision regulations.

**E. Does the subdivision conform to sanitary requirements? [BMCC 23-304 (c) (5)]**

The subdivision will utilize the City's water, sanitary sewer, and solid waste collection and disposal services. All services are approved and regulated by state and federal authorities.

**F. Does the proposed subdivision conform to all requirements of the zoning in effect? [BMCC 23-304 (c) (6)]**

The subject property is located within the Josephine Crossing Planned Development zoning district. A Master Plan and Planned Development Agreement (PDA) were established in 2006 specifying land use allowances and restrictions. This proposal substantially complies with the Master Plan and PDA. Any minor updates shall be approved administratively by the Zoning Coordinator pursuant to Section 27-1310, BMCC, prior to final plat approval (**Condition #4**).

**G. Does the proposed plat provide easements for the location and installation of any utilities? [MCA 76-3-608 (3) (c) and BMCC 23-304 9 (c) (7)]**

The subdivider has provided utility easements as requested by MDU and NWE on the face of the plat.

**H. Does the proposed plat provide legal and physical access to each parcel within the subdivision and notation of that access on the plat? [MCA 76-3-608 (3) (d) and BMCC 23-304 9 (c) (8)]**

Legal and physical access is provided to the proposed lots from Front Street, Josephine Park Way, Lost Creek Road and several alleys.

**CONCLUSIONS OF FINDINGS OF FACT**

- The preliminary plat of Josephine Crossing Subdivision, 2nd Filing does not create any adverse impacts that warrant denial of the subdivision.
- The proposed subdivision conforms to several of the goals and policies of the 2008 Growth Policy Update and does not conflict with the Transportation or Heritage Trail Plans.
- The proposed subdivision complies with state and local subdivision regulations, local zoning, and sanitary requirements and provides legal and physical access to each lot.
- Any potential negative or adverse impacts will be mitigated with the proposed conditions of approval.

Approved by the Billings City Council, August 22, 2011.

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Thomas W. Hanel, Mayor