

## Findings of Fact – Whisper Ridge Subdivision

The Planning staff, on behalf of the Planning Board, has prepared the Findings of Fact for the preliminary plat of Whisper Ridge Subdivision 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 dryland pasture located in the City limits that has not been used for agriculture in many years. Additionally, 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 and extending the existing City of Billings' sewer stub at Rimrock Road, near Lot 5, Block 1. 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. A public utility easement through the property to the north (Tract 3-A-1, C/S 1834) is necessary to loop the sanitary sewer lines. It is recommended that this easement document be recorded with the final plat documents (**Condition #3**). Furthermore, due to the relatively shallow pipes, and the minimum depth requirement of four feet below grade, Lots 7 & 8, Block 1, Lots 1-3, Block 2, and Lots 6-8, Block 3 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 handled on-site by directing it via curb and gutters, and storm water pipes that discharge into detention ponds in the southwest corner of the subdivision. The pre-development amount of storm water will be allowed to discharge to Rimrock Road, as permitted by the *City Storm Water Management Manual*. In accordance with current City policy, the areas for the storm water management facilities will be created as a separate lot to be deeded to the

City, and will be maintained by City Public Works. In order to assure unencumbered access to the pipe leading from Yerger Drive to the pond, City Engineering has requested that a ten-foot wide strip of land be included in the deeded stormwater lot, at the final approved location of the pipe (**Condition #4**). These and all other drainage improvements shall satisfy the *City Stormwater Management Manual* and will be subject to review and approval by the 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 Rimrock Road and Clear View Drive. Yerger Drive will be extended on the north side of Rimrock, and will connect with Clear View via the extension of Audubon Way. Whisper Way will also be constructed one block north of Audubon Way, and could be extended in the future should the property to the north undergo development. The streets are proposed to be built to City standards with a 34-foot width, curb/gutters, and boulevard sidewalks.

Rimrock Road, a principal arterial street, does not meet City Standards at this location so it is the developer’s responsibility to complete the section of Rimrock fronting this property to a residential street standard. In lieu of actual construction, City Engineering is requiring a cash contribution based on an approved cost estimate for those improvements prior to final plat approval. These requirements are detailed in the SIA. This section of Rimrock will be completed as part of a larger project in the future, and if improvements were installed now, they may need to be torn up again, thus wasting resources.

A Traffic Impact Study (TIS) was not required for this subdivision, since only 25 residential lots are being created.

- e. **Emergency services** – The Billings Police and Fire Departments will respond to emergencies within the proposed subdivision. The nearest fire station, which also has a police presence, is located 54<sup>th</sup> St. West and Grand Avenue (Station #7). Both Fire Department and Police Department staff have reviewed the proposal and are satisfied with it as presented. The subdivision is also located within the ambulance service area of American Medical Response (AMR).
- f. **Schools** –School District #2 provides educational services to students in this area. Current district boundaries would put future students of this subdivision at Arrowhead Elementary, Will James Middle School, and West High School. No comments from those schools or SD#2 Administration have been received as of when this report was written.
- 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. Based on these standards, the requirement for this subdivision would be 0.80 acres. Given the small amount of parkland required and the relatively close proximity to Cottonwood Park, trails along the rims, and other area parks, the subdivider is proposing to provide a

cash contribution for their required parkland dedication. Parks Department staff is satisfied with this proposal.

- h. **Mail Delivery** - The United States Postal Service (USPS) will provide postal service and has indicated that centralized mailbox units will be required for mail delivery to the subdivision. It is a recommended condition of approval that the developer works with USPS to coordinate mailbox locations and provide written verification of such, prior to final plat approval (**Condition #1**).

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

The subject property is composed of dry grassland sloping to the south at an approximately 3 - 4% slope. The property is free from any floodplains as identified by FEMA. A geotechnical report was prepared with the plat application in order to identify the necessary structural building requirements based on the soils and other subsurface conditions. General recommendations are listed in the SIA. Overall, this subdivision should have a minimal effect on the natural environment.

### **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**

#### **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: Recreation facilities (nearby) that serve the diverse recreational needs of Billings and Yellowstone County (p. 10).

- d. Goal: Safe, functional, and attractive streets for all users, including drivers, bicyclists and pedestrians (p. 13).

## **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 and paved trail exists along Rimrock Road adjacent to this subdivision. No additional trail facilities are required or proposed with this subdivision.

### **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 R-96 zoning district. The proposed lot sizes comply with this district, and other specifications and land uses will be verified at the time of building permit application.

### **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 Yerger Drive, Audubon Way, and Whisper Way. A public access easement is proposed across a strip of private land that separates the subject property where Audubon Way extends east to Clear View Drive. It is

recommended that the easement be granted and recorded concurrently with the final plat (**Condition #2**).

**CONCLUSIONS OF FINDINGS OF FACT**

- The preliminary plat of Whisper Ridge Subdivision 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