

FINDINGS OF FACT

The Planning staff on behalf of the Planning Board has prepared the below Findings of Fact for the preliminary plat of Copper Ridge Subdivision, 3rd Filing.

A. What are the effects on agriculture, local services, the natural environment, wildlife, 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 2005. There are no irrigation facilities serving this property. 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.

MDU will provide gas services and Yellowstone Valley Electric Cooperative will provide electric services to the subdivision. Easements have been shown on the face of the plat that are acceptable to these utility providers.

- b. **Storm water** – Storm water drainage for the public streets is proposed to be provided by curb and gutters that discharge into storm water pipes and eventually to a detention pond in the first filing of Copper Ridge Subdivision. 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 lots within the subdivision would be served by the extension of existing streets Lucky Penny Lane and East Copper Ridge Loop. These internal street rights-of-way were dedicated previously with the 2nd Filing plat. However, in order to create more regular shaped lots and eliminate the small islands of parkland previously platted, the

subdividers have proposed to slightly reconfigure the existing right-of-way and vacate two small pieces of parkland with this plat. This redesign will require that the previously dedicated right-of-way be vacated prior to final plat approval (**Condition #1**), and replatted as shown. City Engineering staff is agreeable to this redesign. The parkland would also need to be transferred back to the subdivider using the City's 'disposition of land' process. Parks, Recreation and Public Lands (PRPL) staff is agreeable to this transfer, as described below in the Parks section.

The streets are proposed to be built to City standards by providing a 34-foot width, curb/gutters, and boulevard sidewalks.

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. Cash contributions have been made for previous filings for future intersection improvements at 62nd Street West and Rimrock Road. A proportionate contribution will similarly be made for this third filing as described in the SIA.

- e. **Emergency services** – The Billings Police and Fire Departments will respond to emergencies within the proposed subdivision. The nearest fire station is located at 54th St. West and Grand Ave. (Station #7). 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 #2 provides educational services to elementary through high school students. Schools serving these students are Boulder Elementary, Lewis and Clark Middle School, and Senior High School. A response from Senior High principal, Dennis Holmes, indicated that Senior now has a capacity of 1,900 students and a current enrollment is 1,600 students.
- 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 for parkland, or provide the equivalent cash contribution. When the Copper Ridge Subdivision Master Plan was originally reviewed and accepted by the City in 2005, parkland provisions were established as an integral part of the neighborhood. Overall, more than 11% of the land area in the entire Copper Ridge Development is being provided for parkland, and the developers have improved the parkland with turf, irrigation, and numerous recreation trails. Relative to this Third Filing, the developer has proposed to reconfigure the streets slightly, and in doing so, has proposed to re-assume ownership of 0.386 acres of parkland that was situated in grassy islands within the street right-of-way. PRPL staff is agreeable to this reconfiguration since the parkland is too small to use for park purposes, and also difficult to maintain.

In order to accomplish this transaction, the subdivider must follow City's policy for land disposition which requires the subdivider to pay the fair market value of the vacated land. It is recommended as a condition of approval that the subdivider provide an acceptable

appraisal or comparative market analysis, by a 3rd party licensed appraiser or realtor of the property in question, and compensate the City for that value prior to final plat approval (**Condition #2**).

- 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 previous filings 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 Rimrock Road from the rimrocks near Phipps Park. The property is not located within any floodplain. During development, stormwater pollution prevention best management practices are required to be used and monitored to prevent erosion on exposed ground. Overall, the effect on the natural environment should be minimal.

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 should be no impacts to public health, safety and welfare as a result of this subdivision.

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 76-3-616, MCA.

C. Does the subdivision conform to the Yellowstone County-City of Billings 2008 Growth Policy, the Urban Area Transportation Plan 2009 Update and the Billings Area Bikeways and Trail Master 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: Safe, functional, and attractive streets for all users, including drivers, bicyclists and pedestrians (p. 13).
- d. 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. Billings Area Bikeways and Trail Master Plan

The proposed subdivision lies within the jurisdiction of the Billings Area Bikeways and Trail Master Plan. An informal trail corridor exists within parkland dedicated to the City in the first two filings of this subdivision. This trail network will eventually connect the subdivision to a future trail identified in the plan along Cove Ditch to the south and east. The plan also identifies a future trail corridor along the BNSF railroad right-of-way. There are no immediate plans to construct this corridor.

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 R-70-R zone. The lot sizes conform to the requirements of this zone. Other building setbacks and structure specific requirements will be reviewed for compliance at the time of building permit review.

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 YVEC 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 Lucky Penny Lane and East Copper Ridge Loop.

CONCLUSIONS OF FINDINGS OF FACT

- The preliminary plat of Copper Ridge Subdivision, 3rd 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 Bikeway/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, May 14, 2012.

Thomas W. Hanel, Mayor