

FINDINGS OF FACT – Josephine Crossing Subdivision 3rd Filing

The Planning staff has prepared the Findings of Fact for the preliminary plat of Josephine Crossing Subdivision, 3rd Filing on behalf of the Planning Board for review and adoption by the Billings 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 on the 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. 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 affected household. A note to this affect 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 are shown on 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 Lone Pine Drive, then moving east. South 12th St. West will be built along the eastern property boundary in a future phase of development once the Lot 1, Block 10 is developed. 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 Hollyhock Street to facilitate access to the parks. There are also intersection bulb-outs along the southern stretch of South 12th St. West to connect pedestrians to 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 has reviewed, an update to the original TIS with more specific numbers based on the current plat layout. City engineering was satisfied with this update, and has indicated that no further mitigation measures will be necessary with this third filing.

- e. **Emergency services** – The Billings Police and Fire Departments will respond to emergencies within the proposed subdivision. The nearest fire stations are located 476 6th St. West (Station #4) and 604 S. 24th St. West (Station #5). Fire Department staff has reviewed the proposal and has no concerns with it. The Billings Chief of Police noted in comments that “...Very close to established patrol area and police operation center.” The subdivision is located within the ambulance service area of American Medical Response.
- f. **Schools** –School District #23 (Elysian Elementary) provides educational services to elementary through middle school students. Previous 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 approved a \$250,000 school bond to help fund the addition of a modular unit for two more classrooms in 2011. The school board is continuing discussions and planning for additional near-future expansion which may include building additional class rooms at their current site, or moving to a new location. The developers of Josephine Crossing have indicated that they are closely participating in these planning discussions. 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 near capacity with 1,700 students. He did not suggest any remedies at this time. However, School District #2 is presently undergoing a long-range facilities planning study in an effort to address student capacity issues.
- 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 third filing of the subdivision, the developers are providing six pocket park areas totaling 1.5-acres and are developing them with turf, irrigation, and other amenities. 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 previous two 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 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. In addition to the flood plain mapping, ‘Channel Migration’ study was completed in 2009 by the Yellowstone River Conservation District Council and the U.S. Army Corps of Engineers to evaluate previous river channel migration and postulate future possible changes. A portion of the southeast corner of this subdivision is within the “Restricted Migration Zone” which indicates that if existing bank protection (rip rap, etc.) this area could be susceptible to bank erosion in the next 100 years. While this study has not been adopted as a regulatory tool, it is worth being aware of, and a note in the SIA ‘Conditions that Run with the Land’ acknowledges it. The developers have indicated a desire to do a more detailed study of the southeastern corner prior to finalizing development plans in this area for the future.

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 2009 Transportation Plan 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: 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. Billings Area Bikeways and Trail Master Plan (BABTMP)

The proposed subdivision lies within the jurisdiction of the BABTMP. 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.

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 Stony Meadow Lane, Lazy Willow Lane, Lone Pine Drive, South 12th Street West, Hollyhock Street, Hidden Cove Lane, and several alleys.

CONCLUSIONS OF FINDINGS OF FACT

- The preliminary plat of Josephine Crossing 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 Plan or Billings Area Bikeways and Trail Master Plan.
- 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.