

FINDINGS OF FACT – Grand Peaks Subdivision 3rd Filing

The Planning staff has prepared the Findings of Fact for the preliminary plat of Grand Peaks Subdivision, 3rd Filing and has provided them for approval 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 23-302.H.2.]

1. Effect on agriculture and agricultural water user facilities

Although the subject property is currently being used for irrigated crop production, it is located in the City limits and has been slated for urban development since it was originally platted in 2007. With this further platting and development, the property will be removed from crop production and irrigation water rights will be severed. Adjacent cropland properties will be guaranteed access to existing irrigation water rights via ditch easements currently in place. As such, this development should not have a negative effect on the agricultural industry.

2. Effect on local services

- a. **Utilities** – Water services will be provided by the City of Billings. There are two existing water mains, an 8-inch main in Grand Peaks Drive and an 8-inch main in Thunder Mountain Road, to which the development can connect. The developer will install new 8-inch 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 main in Grand Peaks Drive. The subdivider will install new 8-inch 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 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.

- b. **Storm water** – Storm water drainage for the public streets shall be provided by surface drainage via curbs and gutters to underground storm drains that discharge into a new storm water retention pond at the southeast corner of the subdivision. The storm water pond shall be sized appropriately to hold all the required storm water, and will be deeded to the City of Billings' Public Works Department after final plat approval. 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 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** – Internal streets, Grand Peaks Drive and Thunder Mountain Trail, were previously platted and dedicated in 2007 when Grand Peaks, 1st Filing was approved. The subdivider is proposing to vacate the original right-of-way dedication and replat it in a different configuration with this 3rd Filing. City Engineering is agreeable to this reconfiguration as the original streets were never built. The subdivider will need to vacate the existing right-of-way prior to final plat approval (**Condition #2**).

All of the interior local access streets such as the extension of Grand Peaks Drive, South Thunder Mountain Road, East Thunder Mountain Road, West Thunder Mountain Road, and Field Stone Avenue, shall be constructed to the current residential local street standard, including 34-foot width of hard surface, curbs, gutters, and boulevard-style sidewalks.

- 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 part-time police department presence) is located very near to the subdivision, on 54th St. West (Station #7). The subdivision is located within the ambulance service area of American Medical Response (AMR).

In order to permit the extension of Grand Peaks Drive as a temporary dead-end greater than 600 feet in length, the subdivider will construct a temporary 20-foot wide emergency access road from the end of Field Stone Avenue, connecting to North Castle Stone Square prior to development of the second phase. The Fire Department will review and approve the plans for this emergency access road.

- f. **Schools** –School District #2 provides educational services to elementary through high school students. Burlington Elementary School, Lewis and Clark Middle School, and Senior High School currently serve the children in previous filings of this subdivision; however, SD#2 is undergoing a Facilities Master Planning process at this time to evaluate school capacities and attendance boundaries. This study should be completed in 2013 and will guide future school services.
- g. **Parks and Recreation** – The parkland dedication requirement for this subdivision is proposed to be met by making cash contributions in lieu of land dedication. The cash will be used toward the eventual construction of Cottonwood Park, just to the northwest of the subdivision, across 54th St. West. The lot owners within the subdivision will also be required to join a Park Maintenance District for Cottonwood Park once it is developed. The developer proposes to provide the monetary contribution in phases, in accordance with the phasing plan proposed for the subdivision development.
- h. **Mail Delivery** - The United States Postal Service will provide postal service to the subdivision and has requested the installation of centralized mailbox units (CBUs). It is

recommended as a condition of approval that the developer work with the USPS to identify appropriate locations of CBUs prior to final plat approval (**Condition #1**).

3. Effect on the natural environment

The subject property is flat, agricultural property that has been planned for urban development since its original platting in 2007. One item of potential concern related to the natural environment identified during previous filings was the soils underlying the site. A geotechnical evaluation was done for the building sites in the area in April of 2010. The study was prepared to investigate soil, rock, and groundwater conditions and provide recommendations to support design and construction of foundation and drainage elements. The study indicated that the property has soils that are characterized by a relatively low bearing capacity and high consolidation potential under the anticipated foundation loads. As a result, the study recommends using “underpinning or deep foundation systems (piers or piles)” or over-excavation and soil replacement, to ensure foundation stability. The recommendations of the geotechnical study will be enforced at the time of building permit issuance for the future homes on the proposed lots.

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

As noted above in #3, the proposed subdivision is located in an area with soils of relatively low bearing capacity and high consolidation potential under the anticipated foundation loads. The soil conditions have been disclosed in the SIA, and mitigation measures will be employed at the time of site construction, as enforced through the building permit process.

B. Was an Environmental Assessment required? [(MCA 76-3-603 and BMCC 23-302.H.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 Bikeway and Trail Master Plan? [BMCC 23-302.H.4.]

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: Contiguous development focused in and around existing population centers separated by open space (p. 6).

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 Bikeway and Trail Master Plan (BABTMP)

The proposed subdivision lies within the jurisdiction of the BABTMP. No trail corridors are identified on the plan within 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 23-302.H.3.a.]

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 proposed subdivision conform to all requirements of the zoning in effect? [BMCC 23-302.H.3.e.]

The subject property is located within the RMF-R and R-50 zoning districts and shall comply with the standards set forth in Section 27-308, BMCC.

F. Does the proposed plat provide easements for the location and installation of any utilities? [MCA 76-3-608 (3) (c) and BMCC 23-302.H.3.b.]

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

G. 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 23-302.H.3.c.]

Legal and physical access is provided to the proposed lots from Grand Peaks Drive and South Thunder Mountain Road.

CONCLUSIONS OF FINDINGS OF FACT

- The preliminary plat of Grand Peaks Subdivision, 3rd Filing does not create any adverse impacts that warrant denial of the subdivision.
- The proposed subdivision conforms to several goals and policies of the 2008 Growth Policy Update and does not conflict with the Transportation or Bikeway and 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, December 17, 2012.

Thomas W. Hanel, Mayor