

**FINDINGS OF FACT – Twin Oaks Subdivision, 2<sup>nd</sup> Filing,  
Amended Lot 21, Block 3, and Lot 21, Block 4**

The Planning staff has prepared the Findings of Fact for the preliminary plat of Amended Lot 21, Block 3, and Lot 21, Block 4, Twin Oaks Subdivision, 2<sup>nd</sup> 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, 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**

The subject property was historically used for pasture land and hay crop production prior to 2005 when the first filing of the development was initiated. At that time, the property was master planned for residential development, and agricultural activities ceased. The subject property is wholly surrounded on all sides by developed properties within the City Limits and its removal from agricultural use should have a minimal effect on agriculture in the County.

The Billings Bench Water Association (BBWA) canal courses along the western boundary of the property. With the original platting of the Twin Oaks Subdivision, the subdivider deeded two parcels, containing a total of approximately 2.56 acres to the BBWA for the canal right-of-way and maintenance purposes. This is consistent with what was done for the platting of Uinta Park Subdivision to the south. As such, this development should not have a negative effect on the adjacent agricultural water user facilities.

**2. Effect on local services**

- a. Utilities** – Water services will be provided by the County Water District of Billings Heights (CWDBH). The subdivider will extend the existing water mains for the remaining length of Watson Peak Road to provide individual services to all of the lots, and new fire hydrants in accordance with design standards, specifications, rules and regulations of the CWDBH, the City 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 nearby. The subdivider will install sanitary sewer main lines for the remainder of Watson Peak Road, 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 drain lines. In accordance with the *Heights Storm Drainage Master Plan (1989)* and the SIA recorded for the original Twin Oaks Subdivision, 2<sup>nd</sup> Filing, the developer is required to install a storm drain line to the

east in Sioux Lane to tie into the storm sewer line in Lake Elmo Road before construction of this subdivision, or before June 2013, whichever is sooner. 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 Public Works 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** – Access to all of the lots will be provided by the construction of Watson Peak Road. This street was platted and dedicated to the City (but not built) with the original Twin Oaks Subdivision plat. At that time, a variance for the right-of-way width was granted to allow 50-foot wide street right-of-way dedications in lieu of 60 feet (the requirement at that time). This variance is still in effect for Watson Peak Road as no changes to its alignment are proposed at this time.

Watson Peak Road will be built to current residential street standards with 30 feet of pavement, curb and gutter (entire section back-of-curb to back-of-curb is 34 feet), a five-foot planting strip (boulevard) and a five-foot wide sidewalk. In order to avoid a dead-end street longer than 600 feet, a temporary emergency access road will be constructed at the end of Watson Peak Road to connect with the current end of Uinta Park Drive to the southeast. This emergency access road will be built to emergency access standards with a 20-foot wide all-weather surface, capable of handling a loaded fire truck, and will be blocked at both ends to prevent through traffic. It will follow the existing platted Twin Lakes Drive and Uinta Park Drive rights-of-way.

- e. **Emergency services** – The Billings Police and Fire Departments will respond to emergencies within the proposed subdivision. The nearest fire station is located at 1601 St. Andrews Drive (Station #6). The subdivision is located within the ambulance service area of American Medical Response (AMR).
- f. **Schools** – The subdivision is located within School District #2. Students from the proposed subdivision will attend Sandstone or Bench Elementary School, Castle Rock Middle School and Skyview High School. School District #2 is currently undergoing a Facilities Master Planning effort to determine appropriate capacities and district boundaries for all of its schools. Results will be available in January 2013, but for now, the affected schools appear to have adequate capacity to serve the students of this proposed subdivision.
- g. **Parks and Recreation** – When the original Twin Oaks Subdivision was taken through preliminary plat review in 2006, an overall park master plan was derived for the entire subdivision. Updates to that master plan were made with the second filing. There are no further changes proposed at this time. Lots will be served by Uinta Park and Twin Oaks Park, both very nearby and properties will be required to contribute to the Twin Oaks Park Maintenance District (**Condition #1**).

- 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). The developer will work with the USPS to identify appropriate locations of CBUs prior to final plat approval.

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

The subject property is vacant property that has been planned for urban development since the original preliminary plat review in 2006. The property slopes to the east, and is bounded on the north and west by the BBWA canal. Due to the proximity to the canal, a future subsurface drain will be installed and maintained privately. However, slab on grade homes are proposed, so ground water issues should be minimal.

The geotechnical study was performed for the first phase of the subdivision and structural recommendations were included in that study. Additional studies will be completed prior to issuance of building permits on subsequent phases. The 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**

Fire hydrants will be constructed to meet fire department requirements. Sidewalks and trails to the parks will offer a safe place for pedestrians to walk. The effects on public health and safety should be minimal.

## **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 2006 Billings Heights Neighborhood Plan, 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: Predictable land use decision that are consistent with neighborhood character and preferred land use patterns identified in neighborhood plans. (p. 6)
- b. Goal: New developments that are sensitive to and compatible with the character of adjacent City neighborhoods. (p. 6)

- c. Goal: Contiguous development focused in and around existing population centers separated by open space. (p.6)
- d. Goal: Affordable housing for all income levels dispersed throughout the City. (p. 6)

## **2. 2006 Billings Heights Neighborhood Plan**

The proposed subdivision is consistent with the following goals of the Heights Neighborhood Plan:

- a. Goal: Provide safe routes for pedestrians to travel between schools, parks, neighborhoods and other community facilities. (p. 14)
- b. Goal: Provide safe, good quality and affordable housing in the Heights. Develop housing patterns that are compatible with existing neighborhoods. Encourage high density multi-family development along arterial routes. Maintain similar housing in established neighborhoods. (p. 19)

## **3. Urban Area Transportation Plan 2009 Update**

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

## **4. Billings Area Bikeway and Trail Master Plan (BABTMP)**

The proposed subdivision lies within the jurisdiction of the BABTMP. The Plan identifies a trail corridor along the BBWA canal. However, during the review of the original Twin Oaks Subdivision plat, it was determined that the preferred location for the trail in this area would be along the eastern boundary of the subdivision, within the Twin Oaks Park. At that time, a 20-foot wide trail easement was identified. This easement provision meets the intent of the Plan.

### **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 R-50 and R-60 zoning districts. All development 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 the City, 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 Watson Peak Road. No changes to the existing right-of-way alignment are proposed.

**CONCLUSIONS OF FINDINGS OF FACT**

- The preliminary plat of Amended Lot 21, Block 3, & Lot 21, Block 4, Twin Oaks Subdivision, 2<sup>nd</sup> 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, the Heights Neighborhood Plan, 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 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.

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Thomas W. Hanel, Mayor