

FINDINGS OF FACT – Trails West Subdivision, 2nd Filing

The Planning staff has prepared the Findings of Fact for the preliminary plat of Trails West Subdivision, 2nd 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 previously irrigated agricultural land irrigated from the High Ditch, which is located about a half mile north of the property. From the ditch, a pipe runs down through Foxtail Village Subdivision to a headgate near the northwest corner of the property. There are lateral ditches running along the north and west sides of the property. The ditch on the north side provides irrigation to the school district property on the southwest corner of 56th St. West and Grand Ave. The west ditch provides irrigation water to the subject property as well as to two properties to the south. No water rights are being transferred to subsequent owners of this property.

The Birely Drain is located on the western border of the subject property and is maintained within a prescriptive drainage easement. The subdivider is proposing to dedicate a drain right-of-way of approximately 75 feet wide to the City of Billings Public Works Department. The Public Works Department is agreeable to this dedication and accepted a similar dedication with the 1st Filing of the subdivision. The subdivider shall secure the approval by the Birely Drain Association and the City of Billings Public Works Department of the transfer of this drain right-of-way parcel to the City of Billings prior to final plat approval (**Condition #1**).

2. Effect on local services

- a. Utilities** – Public water and sewer services will be provided to the future lots through lines within the internal subdivision streets extended from the main lines within Grand Avenue. In order to provide a properly looped water system for better service and quality, City Engineering is requiring that a 20-inch or larger main line be installed in 56th St. West, no later than the Phase III improvements. It is customary for the City to reimburse the developer or front the costs on large capital improvements such as this. A note clarifying this arrangement is recommended as a condition of approval (**Condition #4**). In regard to sewer service, because gravity sewer is not feasible for this second filing, the subdivider is proposing to install low-pressure sanitary sewer mains and require the installation of individual low-pressure sanitary sewer lines and grinder pumps in each household. A note regarding this requirement is found in the “Conditions that Run with the Land” section of the SIA. Private electric and gas utilities will be served by Yellowstone Valley Electric Cooperative and MDU.
- b. Storm water** – Stormwater management for the proposed subdivision will be provided by directing water through a network of curb and gutters, inlets and piping to series of five temporary retention ponds located at the terminus of the various streets as shown on the

plat. These stormwater facilities will be abandoned when future filings are developed and retention facilities are created elsewhere in the subdivision. A preliminary storm drain report is required to be submitted to City Public Works prior to final plat approval (**Condition #3**). All 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** – Access to the lots in the 2nd Filing will be via extension of the 1st Filing internal streets from Grand Ave. Street improvements will be done in three phases, as outlined in the SIA. The **internal subdivision streets** will be constructed to 34-foot pavement widths, with curb, gutter, and 5-foot wide boulevard style sidewalks within 56-foot wide rights-of-way. The one exception is Stockman Avenue, which will function as a Collector street and will be built to a width of 39 feet within a 74-foot wide right-of-way. Proposed street names for the internal streets have been approved by the City Fire Department and the County GIS Department.

To provide a second access to the subdivision, an emergency access road was built during the 1st Filing development within the right-of-way for the future Mountain Front Avenue and out to 56th St. West. This emergency access was built to City standards with an all-weather surface sufficient to hold emergency apparatus, with a width of 20 feet, and gated and posted with the appropriate signage on both ends. The emergency road will be replaced by full City standard streets during the third phase of lot development.

56th Street West, located on the subdivision’s east boundary is identified as a principal arterial street. As such, the last portion of a 60-foot wide half-width right-of-way dedication from Stockman Avenue to the southern subdivision boundary is being completed with this plat. In lieu of making partial improvements at this time, the subdivider will make a cash-in-lieu contribution for the construction of S. 56th St. West directly adjacent to the subdivision based on one-half the difference in cost between constructing a residential street, and the existing-24 foot wide roadway. The cash-in-lieu contribution will include sub-base, base course, asphalt paving, standard curb & gutter, 5-foot wide boulevard sidewalks, and estimated engineering design and construction administration costs. The contribution will be collected in phases, prior to release of each phase for development.

In addition, the subdivider will be required to make cash-in-lieu contributions toward the design and installation of future intersection traffic controls at the intersections of Grand Avenue and 54th Street West, at Grand Avenue and 56th Street West, and if determined necessary, at Central Avenue and 56th St. West. These intersections were identified in the Traffic Impact Study as being affected by the proposed subdivision. The required contributions are based on the estimated volume of subdivision traffic using these intersections and an estimated cost of \$250,000 per intersection for the design and construction of a traffic signal at the intersection. Installation of a traffic signal is assumed

for calculation of the cash-in-lieu contribution only. Other forms of intersection control, such as a roundabout, may ultimately be installed at one or both of these intersections. The final contribution amounts shall be approved by the City Traffic Engineer prior to final plat approval (**Condition #2**).

- e. **Emergency services** – The Billings Police and Fire Departments will respond to emergencies within the proposed subdivision. The nearest fire station is located within one mile of the subdivision at 54th St. West and Grand Avenue (Station #7). The Fire Department finds the proposed layout will provide adequate emergency access.

- e. **Schools** – The subdivision is located within School District #2 (SD#2). The school assignments for the subdivision were received from the School District during the review of the 1st Filing. Students from the proposed subdivision will attend Central Heights Elementary School, Lewis and Clark Middle School, and Senior High School. These assignments will necessitate bussing of the students. However, SD#2 also owns property for a potential new elementary school north of Grand Ave. and 54th St. West and a new middle school at the southwest corner of 56th St. W. and Grand Ave. adjacent to this subdivision. No plans or funding for those schools have been approved at this time. However, SD#2 is in the final stages of a Master Planning effort that could change current district boundaries, and establish a strategy for new facility construction.

- f. **Parks and Recreation** – In accordance with State and City laws, the subdivider is required to provide a minimum of 1.37 acres of parkland. The subdivider has proposed to meet this requirement by providing cash in lieu of land dedication, with the contributions made in phases. In addition to cash, the developer is proposing to continue the 5-foot wide multi-use trail on the western property line within the Birely Drain right-of-way tract. This trail is proposed to be for public use, and maintained by the homeowners' association.

- g. **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 Master Plan review in 2009. The property is generally flat, with the exception of the Birely Drain on the western edge, which is being protected in a dedicated right-of-way.

The geotechnical study was performed for the first filing of the subdivision and structural recommendations were included in that study. An update letter has been received by the geotechnical engineer confirming these recommendations are still valid. 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. As indicated within the Conditions the Run with the Land section of SIA, future property owners should be aware that

the proposed subdivision is located near prime wildlife habitat and adjacent to open agricultural areas, therefore conflicts with wildlife may occur. Any damage caused by wildlife is the responsibility of the owner.

5. Effect on the public health, safety and welfare

Fire hydrants will be constructed to meet fire department requirements. Sidewalks and trails 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 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: Contiguous development focused in and around existing population centers separated by open space. (p.6)
- c. Goal: Affordable housing for all income levels dispersed throughout the City. (p. 6)
- d. Goal: More housing and business choices within each neighborhood. (p. 6)
- e. Goal: A multi-purpose trail network integrated into the community infrastructure that emphasizes safety, environmental preservation, resource conservation and cost effectiveness. (p. 10)

2. 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.

3. Billings Area Bikeway and Trail Master Plan (BABTMP)

The proposed subdivision lies within the jurisdiction of the BABTMP. The Plan identifies a primary bikeway along Grand Avenue. Once Grand Ave. is reconstructed in the future, bikeway improvements may be completed in accordance with 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-60-R and R-96 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 Grand Avenue and 56th Street West to Wilderness Drive, Black Berry Way, Mountain Front Avenue, Horseshoe Trail, Ninebark Street, Grouse Berry Street, Bitterbrush Street, Sandcherry Street, North Fork Trail, and Stockman Avenue.

CONCLUSIONS OF FINDINGS OF FACT

- The preliminary plat of Trails West Subdivision, 2nd 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 provides legal and physical access to each lot.
- Any potential negative impacts will be mitigated with the proposed conditions of approval.

Approved by the Billings City Council, January 28, 2013.

Thomas W. Hanel, Mayor