

FINDINGS OF FACT – Bitterroot Heights Subdivision, 2nd Filing

The Planning staff has prepared on behalf of the Yellowstone County Board of Planning the Findings of Fact for the preliminary plat of Bitterroot Heights Subdivision, 2nd Filing and has provided them for review by the 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 dryland pasture and most recently was the site of a gravel mine. It was annexed and master planned for development in 2004, shortly after being reclaimed from mining. It is adjacent to similar residential uses to the south and east, and will provide community housing in an area that is not particularly productive for agriculture. It should not have a negative effect on the agricultural industry.

This subdivision does not contain any irrigation ditches or have any water shares, and therefore will not have an effect on agricultural water user facilities

2. Effect on local services

- a. Utilities** –Water services to the subject property are provided by the County Water District of Billings Heights (CWDBH). The existing water mains in Meadow Creek Loop and Empire Drive will be extended to serve the new interior streets. The improvements are subject to the review and approval of the applicable water provider during the time of construction. As proposed, the CWDBH finds that the water main extensions are acceptable.

Sanitary sewer service will be provided by the City by connecting to existing sewer mains in Meadow Creek Loop and Empire Drive. As proposed, the City of Billings Public Works Department finds the sewer main extensions to be acceptable.

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** – A storm water master plan was reviewed in 2004 for the overall master planned area of Bitterroot Heights Subdivision. The master plan area is unique in that there are existing natural drainages that traverse the property that ultimately flow to Five Mile Creek at the northern portion of the subdivision. A plan was developed to direct storm water to these natural drainages and ultimately to a large detention pond area within the large 10-acre park at the northwest corner of the subdivision. The drainage ways are contained within Open Space corridors that were dedicated as parkland, and a 10-foot wide multi-use trail will be constructed within the open space to offer an amenity to the residents. The Parks and Public Works Departments have approved of the storm water-parkland plan and it has already begun to be implemented with the First Filing.

In addition to the proposed storm water management facilities, a Storm water Pollution Prevention Plan (SWPPP) will be required of the developer and construction contractors prior to site disturbance to ensure that storm drain facilities are not compromised during site and home construction.

- 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 will be accessed off of the existing streets Empire Drive, and Meadow Creek Loop. These streets were designed under the previous street development standards, as 37-foot wide streets with curb, gutter, and curb-style sidewalk within 60-foot rights-of-way. The new proposed streets, being John Strange Street, Jerry Christensen Lane, Steve Palmer Street, and the extension of Meadow Creek Loop, will be built to the current design standards of 34-foot wide streets with curb, gutter and boulevard-style sidewalk within 56-foot rights-of-way. The one exception is the completion of Empire Drive. Since there is only 120 feet until its terminus at John Strange Street within this 2nd Filing, the subdivider has requested a variance from the subdivision regulations to allow it to be completed using the old standards. Given its short length and the awkwardness of transitioning the design guidelines at this location, staff is supportive of the variance request to allow the remaining approximately 120 feet of Empire Drive to be build using the old standards.

Bitterroot Drive fronts the east side of this subdivision. It is a Principle Arterial street built to a rural standard with two drive-lanes and roadside swales. Current City policy requires a subdivider to improve adjacent streets to City standards, or in cases where it is impractical to do so, a cash contribution for the amount of those improvements, with credit for what is already in place is accepted. In this case, City Engineer is requiring a cash contribution for the improvements needed along the 675 feet of Bitterroot Drive frontage (including curb, gutter, boulevard sidewalk, and 30-feet of street pavement) with credit for what is currently in place (**Condition #1**). This money will be placed in an escrow account ear-marked for improving Bitterroot Drive at this location when the entire street is improved in the future.

- 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).

The Chief of Police reviewed the proposal and indicated that while no increases in staffing would be needed for now, this area is at the far end of the patrol area and stretches resources. Continued development will adversely affect the PD’s ability to respond without additional resources.

The fire department is largely concerned with emergency response and access to the site and water supply and hydrant availability. The Fire Marshal indicated that the street

layout and proposal for a temporary emergency access to Mary Street are acceptable. Also, the fire hydrant spacing is acceptable as proposed. One issue that the Fire Department would like further review of is the proposed street names; they indicated that several of the names were too close to existing names. It is recommended as a condition of approval that the subdivider work with City Fire and County GIS to finalize the new street names (**Condition #2**).

- f. **Schools** –School District #2 provides educational services to elementary through high school students. Beartooth Elementary School, Castle Rock Middle School, and Skyview High School will serve the children in this subdivision. A response from the district's facilities director indicated that both Beartooth and Castle Rock are currently overcrowded with 509 and 756 students enrolled respectively; maximum enrollment for Beartooth is currently 438 students, and for Castle Rock is 748 students. School District #2 is currently working on solutions to their facility needs including possible bonds for new schools, redistricting of students, and other ideas.
- g. **Parks and Recreation** – The parkland dedication requirement for this subdivision amounts to 1.63 acres (11% of the net area of 14.84 acres). The subdivider has master planned its park provisions for the entire subdivision, and when all is complete will have provided approximately 15.5 acres of land for parks and open space. Over 11 acres of parkland was dedicated with the 1st filing, and 0.94 is being proposed for this 2nd filing.

In addition to land dedication, a park maintenance district has been established to maintain the large park area and open space corridors. The PMD will be expanded to include the lots within the 2nd filing. Furthermore, upon development of 51% of the total master planned lots, the subdivider will initiate a construction Special Improvement District to fund the parkland improvements identified in the overall park master plan. The Parks Department staff is satisfied with the proposal.

- h. **Mail Delivery** - The United States Postal Service will provide postal service to the subdivision. With previous filings the developer provided centralized delivery facilities and the same is proposed for this filing. The developer will consult with the USPS prior to placement of the centralized mail boxes.

3. Effect on the natural environment

The subject property is relatively flat with a slight slope to the northeast. The master plan area was mined for gravel, so it sits lower than other surrounding properties. There are two main natural drainages flanking the subject property which have water running in them year round to Five Mile Creek to the north. These drainages will be enhanced with this development to provide natural storm water drainage facilities and open space corridors along which 10-foot wide trails will be constructed. The Five Mile Creek corridor, while not within the subject property, is nearby and protected within parkland that was dedicated with the First Filing plat.

A preliminary geotechnical evaluation was done for the subject area in February of 2013, to investigate soil, rock, and groundwater conditions and provide recommendations to support design and construction of foundation and drainage elements. The major findings indicated that

the area is characterized by areas of uncontrolled fill, natural clay and gravel, and shallow claystone bedrock. Construction on these variable substrates can result in foundation damage if not properly engineered. Therefore additional site specific studies will be required at the time of building permit application, to provide recommendations for foundation construction. The City Building Official has reviewed this geotechnical report, and made notes on its recommendations that will be enforced at the time of building permit issuance and subsequent inspections.

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 and antelope in the area, which may cause damage to their landscaping. This subdivision is unique in that it has natural drainages traversing it; these are undoubtedly attractive to small wildlife and birds and waterfowl. The plan is to preserve these areas and a large portion of the parkland around the Five Mile Creek corridor will also remain in its natural state.

5. Effect on the public health, safety and welfare

The subdivision is located in an area with no known natural hazards.

Fire hydrants will be constructed to meet fire department requirements. Sidewalks and multi-purpose trails will offer a safe place for pedestrians to walk. If the recommended conditions of approval are met, the effects on public health and safety should be minimal.

B. Was an Environmental Assessment required? [MCA 76-3-616 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 potential multi-use trail along the south side of Five Mile Creek, a primary bikeway along Mary Street and an arterial bikeway along Bitterroot Drive. The developer proposes to construct a trail along Five Mile Creek when the parkland area is developed when 51% of the total master planned lots are platted. Bitterroot Drive and Mary Street are both rural roads that will likely be upgraded in the not too distant future. Bike lane facilities will be looked at when that time comes.

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 conforms to the design standards specified in the local subdivision regulations with one exception. The plat should contain all of the land within the underlying legal description. As proposed, the entire parcel, "Remainder of Tract 3A-1, C/S 2317" is not included in the platted area. The remaining portion will need to be platted as one or more lots on the final plat (**Condition #4**). 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-70-R zoning district. All development shall comply with the standards set forth in Section 27-308, BMCC. Final zoning compliance will be determined at the time of the building permit.

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 YVEC 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 Meadow Creek Loop, John Strange Street, Jerry Christensen Lane, and Steve Palmer Street, which connect to existing street Empire Drive.

CONCLUSIONS OF FINDINGS OF FACT

- The preliminary plat of Bitterroot Heights 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 or adverse impacts will be mitigated with the proposed conditions of approval.

Approved by the Billings City Council, June 24, 2013.

Thomas W. Hanel, Mayor