

## **FINDINGS OF FACT – High Sierra Subdivision, 7<sup>th</sup> Filing**

The Planning staff has prepared on behalf of the Yellowstone County Board of Planning the Findings of Fact for the preliminary plat of High Sierra Subdivision, 7<sup>th</sup> 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 is currently used for dryland pasture by the Dover Ranch operation to the north. It, along with approximately 360 additional acres, was annexed by the City and rezoned for single-family residential uses in 2007. 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.

The BBWA irrigation canal is located approximately 3/4 mile northeast of the property. This subdivision does not contain any ditches or 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 City of Billings. The existing 8-inch main in Matador Avenue will be extended in two locations (at Cortez Ave. and High Sierra Blvd.) to serve the new interior streets. The improvements are subject to the review and approval of the City during the time of construction. As proposed, the City Public Works Department finds that the water main extensions are acceptable.

Sanitary sewer service will be provided by connecting to an existing 8-inch sewer main in Matador Ave. via High Sierra Boulevard. As proposed, the City of Billings Public Works Department finds the sewer main extension to be acceptable.

MDU will provide gas services, and Yellowstone Valley Electric Cooperative 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 June 2008 for this proposal. In general, storm drains and piping will be installed to carry water to the north to detention ponds located north of the overall master planned area (area covering High Sierra Subdivision 5<sup>th</sup>-12<sup>th</sup> filings). This and all other drainage improvements shall satisfy the criteria set forth by the most-current *City of Billings Stormwater Management Manual* and will be subject to review and approval by the Engineering Division. Additionally, a Stormwater 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 new street Benjamin Boulevard, which makes connections to existing Matador Ave. at Cortez Ave. and by extending High Sierra Blvd. to the north. Benjamin Blvd. and the other local streets, Cortez Ave., Marisela St., Sierra Vista Circle, Del Mar St., and Largo Circle will be built to City standards at 34 feet wide, with curb, gutter and boulevard-style sidewalks, all within 56-foot rights-of-way. The typical street section for these streets is found on the face of the preliminary plat. High Sierra Blvd. is designated as a Collector street and will be continued north within the subdivision and constructed to Collector street standards.

A Traffic Impact Study (TIS) was completed for this subdivision at the time of the 5<sup>th</sup> Filing. Based on its findings, it was determined that the installation of a signal at the intersection of Wicks Lane and St. Andrews should be considered and that has since been completed. High Sierra Subdivision, 5<sup>th</sup> and 7<sup>th</sup> Filings were required to contribute 2% of the construction costs based on a calculation of their pro rata share. That contribution was made in 2012, prior to approval of the 5<sup>th</sup> Filing final plat.

- 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** –School District #2 provides educational services to elementary through high school students. Eagle Cliff 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 Eagle Cliff and Skyview still have capacity for additional students. However, Castle Rock is currently overcrowded with 756 students enrolled; maximum enrollment for Castle Rock as it stands is 748 students. School District #2 is currently working on solutions to their facilities 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 1.14 acres (11% of the net area of 10.34 acres). The subdivider provided cash in lieu of parkland for this subdivision, previously at the time of the 5<sup>th</sup> Filing final plat approval.
- 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 level prairie land adjacent to the city limits on its south and east sides. A geotechnical evaluation was done for the subject area in June of 2008, to investigate

soil, rock, and groundwater conditions and provide recommendations to support design and construction of foundation and drainage elements. The major finding that study indicated was that the area is characterized by moderate to highly expansive claystone bedrock. Construction on this type of bedrock can result in foundation damage if not properly engineered, therefore close attention to the recommendations provided in the report is critical. 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 should have a minimal effect on wildlife and wildlife habitat, as it is in an area that is rapidly urbanizing.

#### **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 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 76-3-616 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)

##### **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 High Sierra Blvd. and the developer proposes to construct and stripe a bike lane along the subdivision's High Sierra Blvd. frontage 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 conforms 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-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 Benjamin Boulevard, which connects to existing streets Matador Ave. and High Sierra Blvd.

### **CONCLUSIONS OF FINDINGS OF FACT**

- The preliminary plat of High Sierra Subdivision, 7<sup>th</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 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.

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Thomas W. Hanel, Mayor