

FINDINGS OF FACT – Grand Peaks Subdivision, 4th Filing

The Planning staff has prepared on behalf of the Yellowstone County Board of Planning the Findings of Fact for the preliminary plat of Grand Peaks Subdivision, 4th 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

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 three existing water mains, in 54th Street West, South Sundance Mountain Trail and North 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 South Sundance Mountain Trail. 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 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** – 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 located on Lot 8, Block 3. 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, Sundance Mountain Circle, North Thunder Mountain Road, North Thunder Mountain Cove, and South Sundance Mountain Trail will be built to current City street standards including 34-foot width of hard surface, curbs, gutters, and boulevard-style sidewalks.

A cash contribution for the future improvement of 54th Street West will be made prior to final plat approval for Phase I, and for Phase II, prior to the City’s signing of the release of restrictions on transfers and conveyances for Phase II lots.

Additionally, based on the Traffic Impact Study completed for this subdivision, the subdivider shall make contributions to the future improvement of intersections at Grand Ave. and 54th St. West, and Rimrock Road and 54th St. West on a phased basis.

- 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).
- f. **Schools** –School District #2 provides educational services to elementary through high school students. Arrowhead Elementary School, Lewis and Clark Middle School, and West High School are slated to serve students in this subdivision according to SD #2 Facilities Director, Lew Anderson.
- 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 two 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.

Additionally, as with certain areas of previous filings of this subdivision, portions of southwest corner of this Filing are located within the “1% Annual Chance Flood Hazard Area” Cove Creek/Little Cove Creek drainage as identified in the 2008 West Billings Flood Study. In order to mitigate this concern, affected lots will be required to have a finished floor elevation at least two feet above the base flood elevation. A note indicating this requirement as well as an exhibit showing the affected lots, and their required finish floor areas will be provided with the final Subdivision Improvement Agreement (SIA).

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 76-3-616 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: 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 R-70 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 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 Sundance Mountain Circle, and South Sundance Mountain Trail, North Thunder Mountain Road, and North Thunder Mountain Cove.

CONCLUSIONS OF FINDINGS OF FACT

- The preliminary plat of Grand Peaks Subdivision, 4th 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, July 22, 2013.

Thomas W. Hanel, Mayor