

FINDINGS OF FACT – Copper Ridge Subdivision, 5th Filing

The Planning staff has prepared on behalf of the Yellowstone County Board of Planning the Findings of Fact for the preliminary plat of Copper Ridge Subdivision, 5th 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 vacant former cropland located in the City limits that has been slated for urban development since it was originally master planned in 2005. There are no irrigation facilities serving this property. As such, this development should not have a negative effect on the agricultural industry.

2. Effect on local services

- a. Utilities** – Water service will be provided by the City of Billings. The developer will install new 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 mains in the subdivision. The subdivider will install new 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.

Water and sewer extensions in Rimrock Road from the intersection of West Copper Ridge Loop to the western property line will be handled with the review and approval process of the 6th Filing in the future. There is some language in the proposed 5th Filing SIA that needs to be clarified in order to establish these future requirements (**Condition #1**).

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 is proposed to be provided by curb and gutters that discharge into storm water pipes and eventually to retention areas in the proposed parkland along Rimrock Road. In order to ensure the effectiveness of the retention areas while maintaining the functionality of the parkland, it is recommended as a condition of approval that both the City Engineering and Parks Departments review and approve the storm water management plans and design specifications, and a note to this effect should be added to final SIA (**Condition #2**). 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 City 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** – The subdivision is accessed by Rimrock Road, a 24-foot wide paved street that turns into gravel surface west of its intersection with Cove Creek Parkway. With this 5th Filing, Rimrock will be improved to the 24-foot wide paved section to the intersection of West Copper Ridge Loop. The improvement of Rimrock Road beyond West Copper Ridge Loop to the western boundary of the subject property will be addressed during the review of the 6th Filing. The City will require a cash contribution for half of a City standard residential street, with asphalt, curb, gutter and sidewalk.

The lots within the subdivision will be served by the construction of two sections West Copper Ridge Loop and by the extension of Cove Creek Drive. The rights-of-way for these streets were platted with the Copper Ridge Subdivision, 2nd Filing in 2008. In order to meet current City standards, an additional three feet of right-of-way on both sides of the streets (6 additional feet total) is being provided with this 5th filing. One other proposed change to the original street layout is the vacation of the southern street along the ‘Copper Ridge Square Park’, formerly known as Cove Creek Drive. This proposal will help tie together the previously platted central park with the other park areas and pathways throughout the 5th and 6th Filings. City Engineering and PRPL are agreeable to this proposal. The vacation will just need to be completed prior to or concurrent with the final plat approval (**Condition #3**).

The streets are proposed to be built to City standards by providing a 34-foot width, curb/gutters, and boulevard sidewalks. Typically, the sidewalks are installed by the home builder on a lot-by-lot basis, as lots develop. However, in this case there are two instances where the streets will front lengthy stretches of parkland, along Cove Creek Drive and West Copper Ridge Loop where Copper Ridge Square Park resides, as well as along Rimrock Road, where the park/stormwater retention facilities exist. In these cases, it is the City’s policy that the developer is responsible for installing these sidewalks at the time of the street private contract (as with Copper Ridge Square park) or provide a cash contribution for their installation (as with the Rimrock Road frontage). It is recommended as a condition of approval that Section 3.B. of the SIA be updated to reflect this requirement (**Condition #4**).

A Traffic Impact Study (TIS) was completed with the original Master Plan in order to evaluate the subdivision’s impact on the street network in the surrounding area. Cash contributions have been made for previous filings for future intersection improvements at 62nd Street West and Rimrock Road. A proportionate contribution will similarly be made for this Fifth filing as described in the SIA.

- e. **Emergency services** – The Billings Police and Fire Departments will respond to emergencies within the proposed subdivision. The nearest fire station is located at 54th St. West and Grand Ave. (Station #7). The subdivision is located within the ambulance service area of American Medical Response (AMR). There are three portions of West Copper Ridge Loop drive that temporarily terminate beyond 150 feet in length. In all instances, standard-design turnarounds are proposed, as well as a temporary 20-foot wide connector street as shown on the plat connecting the western stretches. All of these streets will be looped with the completion of the 6th filing.
- f. **Schools** – School District #2 provides educational services to elementary through high school students. Schools serving these students are Boulder Elementary, Lewis and Clark Middle School, and Senior High School. A response from District Facilities Manager, Lew Anderson, indicated that Boulder Elementary was currently over capacity, while the other schools were below, but near capacity. Also, the subdivision is currently on a bus route.
- g. **Parks and Recreation** – Residential subdivisions creating lots with housing densities less than one dwelling unit per ½-acre are required by State and local laws to dedicate 11% of the net land area (or provide an equivalent cash contribution) for parkland. When the Copper Ridge Subdivision Master Plan was originally reviewed and accepted by the City in 2005, parkland provisions were established as an integral part of the neighborhood. Overall, more than 11% of the land area in the entire Copper Ridge Development is being provided for parkland, and the developers have improved the parkland with turf, irrigation, and numerous recreation trails.

A few minor amendments are proposed with this Fifth filing in order to consolidate parkland into more usable open park areas. Originally the subdivision had planned for three very small pocket parks behind the lots within Block 5 & 6. The new proposal vacates those pocket parks, and instead dedicates additional park adjacent to the Copper Ridge Square Park and linear corridor adjoining the large park/storm water area along Rimrock Road. PRPL is satisfied with this proposal as it creates park space usable by all neighborhood residents, and is easier and more efficient to maintain. The subdivider will need go through the proper procedures to vacate the formerly dedicated parkland, prior to or concurrent with the final plat approval (**Condition #5**).

- h. **Mail Delivery** - The United States Postal Service will provide postal service to the subdivision and has indicated that centralized mailbox units will be required as were installed for the previous filings of this subdivision. A note in the SIA acknowledges this, and indicates the developer's intent to coordinate mailbox locations with the postal service.

3. Effect on the natural environment

The subject property is dry grassland slightly sloping to the south toward Rimrock Road from the rimrocks near Phipps Park. The property is not located within any floodplain. During development, storm water pollution prevention best management practices are required to be

used and monitored to prevent erosion on exposed ground. Overall, the effect on the natural environment should be minimal.

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

There will be no impacts to public health, safety and welfare as a result of this subdivision.

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: Safe, functional, and attractive streets for all users, including drivers, bicyclists and pedestrians (p. 13).
- d. Goal: Healthy, safe neighborhoods and communities with sense of pride (p. 15).

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 Bikeways and Trail Master Plan

The proposed subdivision lies within the jurisdiction of the Billings Area Bikeways and Trail Master Plan. A trail corridor exists within parkland dedicated to the City in the previous filings of this subdivision. This trail network will eventually connect the subdivision to a future trail identified in the plan along Cove Ditch to the south and east. The plan also identifies a future trail corridor along the BNSF railroad right-of-way. There are no immediate plans to develop this corridor as both BNSF and PRPL are not amenable to its creation for safety reasons.

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 R-70-R zoning. The lot sizes conform to the requirements of this zone. Other building setbacks and structure specific requirements will be reviewed for compliance at the time of building permit review.

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 Cove Creek Drive and West Copper Ridge Loop.

CONCLUSIONS OF FINDINGS OF FACT

- The preliminary plat of Copper Ridge Subdivision, 5th Filing does not create any adverse impacts that warrant denial of the subdivision.
- The proposed subdivision conforms to several of the goals and policies of the 2008 Growth Policy Update and does not conflict with the Transportation or Bikeway/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