

FINDINGS OF FACT – Emma Jean 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 Emma Jean 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 irrigated pasture and was the site of a gravel mine. It was annexed and master planned for development in 2007. It is adjacent to similar residential uses on all sides, 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 2nd Filing of the subdivision is nearby the BBWA irrigation canal but does not directly front it. No water rights are being transferred to new lot owners, and therefore the subdivision should 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 Emma Ave., Jean Ave., and Anchor Ave. will be extended to serve the new lots. 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 also in Emma Ave., Jean Ave., and Anchor Ave. 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 shall be shown on the face of the final plat as requested by these utility providers.

- b. Storm water** – A storm water master plan was reviewed in 2007 for the overall master planned area of Emma Jean Heights Subdivision. At this time, there are no nearby City storm sewer lines to which this development can connect. However, it is in the City's Capital Improvement Plan to install storm sewer in Wicks Lane west to Bitterroot Drive and then south on Bitterroot Drive to Anchor Avenue in the near future. This subdivision will be able to connect once the lines are in. Until then, the subdivider has proposed to construct internal storm sewer lines draining to temporary retention ponds as shown on the plat.

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 by the extension of the existing streets Anchor Avenue, Jean Avenue, Emma Avenue, and Columbine Drive. These streets 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. During the First Filing construction, a temporary gated emergency access road was constructed from the terminus of Anchor Avenue to the existing County gravel road, Columbine Drive, to the south. With this filing, this second access will need to be constructed to meet City street standards so that it functions as a full second access (**Condition #1**). Columbine Drive will still remain gravel as it exists off site within the County to the south.
- e. **Emergency services** – The Billings Police and Fire Departments will respond to emergencies within the proposed subdivision. The Police Department has no concerns with the proposal.

The main fire department concerns are access to the site, water supply, and hydrant availability. The nearest fire station is located at 1601 St. Andrews Drive (Station #6). If the second full access is constructed to Columbine Drive as recommended, the Fire Marshal indicated that the street layout and fire hydrant spacing will be acceptable as proposed.

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. Beartooth Elementary School, Castle Rock Middle School, and Skyview High School will serve the children in this subdivision. Previous responses from the district’s facilities director regarding these schools indicated that both Beartooth and Castle Rock are currently overcrowded. School District #2 is currently working on solutions to their facility needs, including placing bonds on the November 2013 ballot for a new middle school in this area of the Heights, and switching to K-5 elementary schools.
- g. **Parks and Recreation** – The parkland dedication requirement for this subdivision amounts to 0.93 acres (11% of the net single family lot area). The subdivider had master planned its park provisions for the entire subdivision during the First Filing. Based on the Planning Board’s recommendation to City Council at that time, the park master plan includes a 2.8 acre centralized neighborhood park just west of this filing, and an additional 1.7 acres of linear parkland along the BBWA canal for a total of 4.53 acres of parkland. At this time, the subdivider is proposing to provide cash in lieu of land

dedication for the required 0.93 acres, as he is not comfortable dedicating parkland outside of the area of the current filing. The Planning Board has recommended that in order to most benefit the future property owners of this subdivision, the cash contribution in lieu of parkland dedication shall be collected and used toward the eventual development of the neighborhood park in this subdivision master plan area (**Condition #3**).

- h. Mail Delivery** - The United States Postal Service will provide postal service to the subdivision. With the previous filing 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 east. A preliminary geotechnical evaluation was done for the subject area in December of 2006, 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 lean clay alluvium over poorly graded gravel with silt and sand, and shale bedrock. Construction on these substrates is fairly unrestricted, however, relatively high ground water will limit foundation depths to 7 feet below grade maximum. 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.

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. 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 potential multi-use trail along the south side of the BBWA canal. The developer started construction of a trail along the BBWA with the first filing, and will continue its development with subsequent filings. This second filing does not front the canal, and therefore no improvements are proposed at this time.

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 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 shall provide utility easements as requested by the City, MDU and NWE on the face of the final 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 Emma Avenue, Jean Avenue, Anchor Avenue and Columbine Drive. These streets connect to existing street network from the first filing, and out to Bitterroot Drive.

CONCLUSIONS OF FINDINGS OF FACT

- The preliminary plat of Emma Jean 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, September 23, 2013.

Thomas W. Hanel, Mayor