

FINDINGS OF FACT – Lake Hills Subdivision, 34th Filing

The Planning staff has prepared on behalf of the Yellowstone County Board of Planning the Findings of Fact for the preliminary plat of Lake Hills Subdivision, 34th 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 located in the City limits and has been slated for residential development since it was originally platted in 1958. It should not have a negative effect on the agricultural industry.

The BBWA irrigation ditch is located approximately ½ 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 can be provided by the County Water District of Billings Heights (CWDBH). Water mains exist within Clubhouse Way and Annandale Road and will be extended in Boca Raton Road. The developer will install new water services to all of the new lots and will be subject to the review and approval of the water district during the time of construction. As proposed, CWDBH finds that the proposed services are acceptable.

Sanitary sewer service will be provided by connecting to and extending the existing sewer mains in Clubhouse Way and Annandale Road. As proposed, the City of Billings Public Works Engineering Division finds the proposed sewer main extensions to be acceptable.

MDU will provide gas services, and Yellowstone Valley Electric Cooperative and NorthWestern Energy will provide electric services to the subdivision. Easements shall be shown on the face of the final plat that are acceptable to these utility providers.

- b. Storm water** – The City commissioned a storm water management feasibility study approximately four years ago in order to determine how to best manage the storm water in the greater Lake Hills area. The resultant plan that was adopted by City Council establishes a series of detention ponds on the golf course connected by channels which are eventually pumped down to a main pond at the southeastern area of the golf course. This main pond is then used for irrigation of the golf course. All 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** – The proposed subdivision fronts Boca Raton Road which is a 50-foot wide platted, local residential street. The subdivider has proposed to extend Boca Raton Road, to connect with the existing streets Clubhouse Way and Annandale Road. It will be constructed to meet current City standards with a minimum of 34-foot wide back-of-curb to back-of-curb paved street with standard curb and gutter, and boulevard-style sidewalks. Due to the narrower right-of-way that was previously dedicated, the sidewalks will consist of a 3-foot planting strip, and a 5-foot sidewalk. This is consistent with other area sidewalks and is acceptable to City Engineering in this case.
- 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. Sandstone Elementary School, Castle Rock Middle School, and Skyview High School will serve the children in this subdivision. Comments from SD#2 Administration indicated the need for a new middle school to service the Heights in order to alleviate overcrowding in both the elementary and middle schools. A bond is scheduled to be placed on the November 2013 ballot for voter consideration.
- g. **Parks and Recreation** – Parkland dedication requirements for this subdivision were met when this subdivision was originally platted in 1958. At that time, the golf course property was considered sufficient to meet the parkland needs. The nearest public park, Sally Ann Park, is approximately one-half mile away to the north. It is undeveloped at this time.
- h. **Mail Delivery** - The United States Postal Service will provide postal service to the subdivision and has requested central delivery site with boxes to serve the new houses. It is recommended as a condition of approval that the developer obtain a letter from the USPS approving the location of the new centralized mail box site(s) prior to final plat approval (**Condition #1**).

3. Effect on the natural environment

The subject property has been planned for urban development since its original platting in 1958. A geotechnical evaluation has been completed for the subject property. The geotech study indicates that the sites are underlain by a veneer of dry, fine-grained colluvial soils and relatively shallow sandstone and shale bedrock. As the shale is potentially expansive and the fine-grained colluvial soils are potentially collapsible, the geotech engineers recommend that footings for structures be placed on the sandstone with adequate vertical separation from the underlying shale. When this is not possible, it is recommended that subgrade improvement is implemented. These recommendations will be verified during the building permit process. If these

recommendations are followed, the re-platting of these lots should have minimal effects on the natural environment.

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 urbanized area.

5. Effect on the public health, safety and welfare

A geotechnical evaluation has been completed and specific recommendations have been added to the final SIA to inform future builders and land owners of structural engineering requirements. The subdivision is located in an area with no known natural hazards.

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 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. 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 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-96 zoning district 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.]

Easements for utilities will be shown on the final plat as requested by all utility providers.

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 Boca Raton Road.

CONCLUSIONS OF FINDINGS OF FACT

- The preliminary plat of Lake Hills Subdivision, 34th 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 Heritage 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, October 15, 2013.

Thomas W. Hanel, Mayor