

FINDINGS OF FACT – Falcon Ridge Estates Subdivision, 4th Filing

The Planning staff has prepared the following Findings of Fact for the preliminary plat of Falcon Ridge Estates Subdivision, 4th Filing for adoption by the Billings City Council. These findings are based on the preliminary plat application and supplemental documents and address the review criteria required by the Montana Subdivision and Platting Act (76-3-608, MCA) and the City of Billings Subdivision Regulations (Section 23-303(H), BMCC).

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 23-303(H)(1)]

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 and 2006. The Cove Ditch is south of the property and will not be affected by this minor subdivision. As such, this development should not have a negative effect on the agricultural industry.

2. Effect on local services

- a. **Utilities** – Water and sewer service will be provided by the City of Billings. The developer has installed new water and sewer mains, fire hydrants, and new individual services to all of the lots during the construction of Golden Acres Drive and Peregrine Lane for the Falcon Ridge Estates Subdivision, 2nd Filing improvements. All improvements are 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).

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 a detention pond within the parkland to the south of the property. A Storm Drainage Master Plan was developed with the Falcon Ridge Estates, 2nd filing, to which this filing will adhere. These and all other drainage improvements shall also 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 lots within the subdivision will be served by Peregrine Lane, an existing street platted and improved with the Falcon Ridge Estates, 2nd Filing. Peregrine Lane is built within a 56-foot right-of-way to City standards with a 34-foot width, curb/gutters, and boulevard sidewalks.

- 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); this station also typically has a police presence. The Billings Chief of Police noted in comments that “...The PD has reached a point where our ability to respond to calls for service has been affected. Staffing issues have resulted in a temporary vacancy at PD3.” 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. Schools serving these students are Boulder Elementary, Lewis and Clark Middle School, and Senior High School. Previous correspondence from the District’s Facilities Manager, Lew Anderson, indicated that there is capacity in all three schools, however Boulder and Lewis and Clark are very close to capacity. The School District is in the process of master planning for growth and will be addressing overcrowding as part of that process.
- 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 Falcon Ridge Estates Subdivision Master Plan was originally reviewed by the City in 2005, parkland provisions were established as an integral part of the neighborhood. Parkland requirements for the subject property were met during the platting of Falcon Ridge Estates, 2nd Filing.
- 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. Mailbox sites are shown on the preliminary plat, and a note in the SIA acknowledges this requirement, 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, stormwater 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

Based on the provision for emergency services, as discussed above, there are no anticipated effects on public health, safety and welfare resulting from this subdivision. Individual geotechnical surveys will be completed prior to home construction to ensure that foundations are built to accommodate for expanding soils and any other concerns.

B. Was an Environmental Assessment required? [(MCA 76-3-616)]

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 Bikeways and Trail Master Plan? [BMCC 23-303(H)(3)]

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: Additional bicycle facilities throughout the City and County (p. 12).

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. 2011 Billings Area Bikeways and Trail Master Plan

The proposed subdivision lies within the jurisdiction of the Billings Area Bikeway and Trail Master Plan though no trails are identified within the subject property itself. A trail is identified in the plan along Cove Ditch to the south. This trail will be constructed as the adjacent development builds out, so as to connect to the existing portion within the Falcon Ridge Estates, 1st Filing.

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 23-303(H)(2)(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 23-303(H)(2)(e)]**

The subject property is located within the Residential-8000 zone. The lot sizes conform to the requirements of these zones. Further 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 23-303(H)(2)(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 23-303(H)(2)(c)]

Legal and physical access is provided to the proposed lots from Peregrine Lane.

CONCLUSIONS OF FINDINGS OF FACT

- The preliminary plat of Falcon Ridge Estates Subdivision, 4th 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, December 9, 2013.

Thomas W. Hanel, Mayor