

FINDINGS OF FACT—The Estates At Briarwood Subdivision, 2nd Filing

The Yellowstone County Board of Planning recommends the following Findings of Fact for the preliminary plat of The Estates at Briarwood Subdivision, 2nd 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 23-302(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 23-302(H)(2)]

1. Effect on agriculture and agricultural water user facilities

The subject property is currently vacant land within the Briarwood Planned Development. There are no agricultural water facilities located on or within the immediate vicinity of the subject property.

2. Effect on local services

- a. **Utilities** – Water and sewer to the proposed lots will be delivered through the extension of the mains within Glengarry Lane. Due to a drop in elevation as one moves toward the northern end of the subdivision, the sewer line may become too shallow to allow for gravity sewer. As a result, a few of the northern-most houses may be required to install low-pressure sewer connections. A note to this effect is found in the Subdivision Improvements Agreement (SIA).

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 either a detention pond south of the property that was master planned with the first filing of this subdivision, or to a low area that currently functions as a retention area at the northeast corner of the subdivision. This retention area will be located in Lot 19, Block 3 and will be deeded to the City at the time of final plat recording (**Condition #1**). The City Public Works Department will then assume maintenance of this retention pond. 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 the extension of Glengarry Lane, and by Ben Nevis Road. Both of these local streets will be constructed by the subdivider to City standards. The two northern-most lots will be served by a shared paved

driveway off of the turnaround at the end of Glengarry Lane. Also from the end of Glengarry Lane, a 20-foot wide emergency access road will be constructed by the subdivider to provide a second means of access out of the subdivision. This emergency access road will be constructed within easements secured across a portion of the Briarwood Golf Course, and other neighboring properties and will connect up with Colleen Drive, which ultimately ties into Blue Creek Road. The road shall be constructed to City emergency access standards, and gated at both ends, prior to final plat approval (**Condition #2**). A mechanism for maintenance of the emergency access road in the future is also required by the International Fire Code. In order to assess the property owners who are directly benefitting from the second access, a Emergency Access Road Maintenance District shall established by the subdivider prior to final plat approval; the district shall include lot owners from both the 1st and 2nd Filings of the Estates at Briarwood Subdivision (**Condition #3**).

A Traffic Impact Study (TIS) was completed for the entire Estates at Briarwood Subdivision Master Plan in 2004. The subdivision's traffic improvements shall be done in accordance with the recommendations of the TIS.

- e. **Emergency services** – The Billings Police and Fire Departments will respond to emergencies within the proposed subdivision. The nearest fire station is located at 605 S. 24th Street West. (Station #5). The subdivision is located within the ambulance service area of American Medical Response (AMR).
- f. **Schools** –Blue Creek School District #3 will serve elementary students, and Billings School District #2 provides educational services to middle and high school students at Riverside Middle School, and Senior High School. No responses from either district were received at the time this report was drafted.
- 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. In this second filing, the 11% requirement amounts to 1.14 acres. This does not include the contribution for the large 39-acre lot, which will be made in the future when that lot is further developed. The subdivider has proposed, and the Parks Department is agreeable to, a cash contribution in lieu of land for this subdivision.
- 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. In order to assure the coordination of mailbox locations, it is recommended as a condition of approval that subdivider provide a letter from the postal service acknowledging their agreement with the mailbox locations prior to final plat approval (**Condition #4**).

3. Effect on the natural environment

A geotechnical report was submitted with this application that failed to cover the entire site where new residences will be constructed. Therefore, as specified by the Building Official's

review of the submitted geotechnical report, a new or updated geotechnical investigation will be required prior to issuance of building permits (**Condition #5**).

4. Effect on wildlife and wildlife habitat

There are no known endangered or threatened species on the property. As indicated within the Conditions that Run with the Land section of the submitted SIA, future property owners should be aware that the proposed subdivision is located near prime wildlife habitat and adjacent to open agricultural areas, therefore conflicts with wildlife may occur. Any damage caused by wildlife is the responsibility of the owner.

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 likely 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 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 Bikeways 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: More housing and business choices within each neighborhood (p. 6).
- c. Goal: New developments that are sensitive to and compatible with the character of adjacent City neighborhoods and County townsites (p. 6).
- d. Goal: Protect public lives and property (p. 13).

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 Bikeway and Trail Master Plan. There are no trail corridors identified within the area of the proposed 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 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 zoned as the Briarwood Planned Unit Development. The lot sizes and building densities within this second filing conform to the requirements of the PUD Agreement. 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 23-302(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 Glengarry Lane and Ben Nevis Road.

CONCLUSIONS OF FINDINGS OF FACT

- The preliminary plat of The Estates at Briarwood Subdivision, 2nd 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, February 24, 2014.

Thomas W. Hanel, Mayor