

FINDINGS OF FACT – High Sierra Subdivision, 8th Filing

The Planning staff has prepared on behalf of the Yellowstone County Board of Planning the Findings of Fact for the preliminary plat of High Sierra Subdivision, 8th 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 currently used for dryland pasture by the Dover Ranch operation to the north. It, along with approximately 375 additional acres, was annexed by the City and rezoned for single-family residential uses in 2007. It is adjacent to similar residential uses to the south and east 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.

The BBWA irrigation canal is located approximately 3/4 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 to the subject property are provided by the City of Billings. There are existing 8-inch mains in Cortez Avenue, Marisela Street, Sierra Vista Circle, Del Mar Street, Largo Circle and Vesca Way that will be extended to serve the new lots. Several of the mains will be looped using utility right-of-way corridors where streets do not connect. The improvements are subject to the review and approval of the City during the time of construction. As proposed, the City Public Works Department finds that the water main extensions are acceptable.

Sanitary sewer service will be provided by connecting to existing 8-inch sewer mains in Largo Circle and Vesca Way. Extensions to the other streets will be made directly or through platted utility rights-of-way. As proposed, the City of Billings Public Works Department finds the sewer main extension to be acceptable.

MDU will provide gas services, and both Northwestern Energy and Yellowstone Valley Electric Cooperative will provide electric services to the subdivision. Easements will need to be shown on the face of the plat that are acceptable to these utility providers (**Condition #1**).

- b. Storm water** – A storm water master plan was reviewed in June 2008 for this proposal. In general, storm drains and piping will be installed to carry water to the north to detention ponds located north of the overall master planned area (area covering High Sierra Subdivision 5th-12th filings). In order to secure these areas, easements shall be shown on the final plat and recordable easement documents shall accompany the final plat documents (**Condition #3**). This and all other drainage improvements shall satisfy

the criteria set forth by the most-current *City of Billings Stormwater Management Manual* and will be subject to review and approval by the Engineering Division. Additionally, 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 extensions of existing streets that were platted and built in the 7th filing. These include Cortez Ave., Marisela St., Sierra Vista Circle, Del Mar St., Largo Circle and Vera Cruz Circle, and Vesca Way. These local streets will be built to City standards at 34 feet wide, with curb, gutter and boulevard-style sidewalks, all within 56-foot rights-of-way. A variance has been requested to allow Vera Cruz Circle to extend beyond the 600-foot maximum length until a future extension of Vesca Way is made. Staff’s analysis and recommendation on this variance request are found in Attachment A.

A Traffic Impact Study (TIS) was completed for the entire High Sierra Subdivision master plan area at the time of the 5th Filing in June of 2008. This study was updated to analyze the specific impacts of the 8th Filing in May of 2014. Three area intersections were identified as being affected by the High Sierra Subdivision; Wicks Lane/Gleneagles Boulevard, Wicks Lane/Fantan Street, and Wicks Lane/St. Andrews Drive. Based on the updated findings, it was determined that the developer shall contribute 2.10%, 2.34%, and 1.86%, respectively, toward the total cost of the improvements planned for these three intersections. As indicated in the Subdivision Improvement Agreement (SIA), those contributions shall be calculated and made prior to final plat approval.

- 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. Eagle Cliff Elementary School, Castle Rock Middle School, and Skyview High School will serve the children in this subdivision. A previous response from the district’s facilities director indicated that Eagle Cliff and Skyview still have capacity for additional students. However, Castle Rock is currently overcrowded. School District #2 is currently working on a redistricting project that will redistribute middle school students among Castle Rock and the new middle school under construction on Bench Blvd. and Barrett Rd. This process is expected to be completed by the end of 2015, and will alleviate this overcrowding issue.
- g. **Parks and Recreation** – The parkland dedication requirement for this subdivision amounts to 2.19 acres (11% of the net area of 19.9 acres). The subdivider originally proposed to provide cash in lieu of parkland for this filing of the subdivision. At the

request of the Planning Board the subdivider has agreed to provide a 1.75-acre parkland dedication adjacent to the north Cortez Avenue as shown on the Master Plan. The remainder of the required parkland will be provided by a cash in lieu contribution at the time of the final plat approval (**Condition #4**).

- h. Mail Delivery** - The United States Postal Service will provide postal service to the subdivision. With previous filings 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 level prairie land adjacent to urban development on its south and east sides. A geotechnical evaluation was done for the subject area in June of 2008, to investigate soil, rock, and groundwater conditions and provide recommendations to support design and construction of foundation and drainage elements. An update was completed in June of 2014. The updated study indicated that the area is characterized by soft lean clay and loose silty sand, underlain by weathered sandstone or weathered shale bedrock. Foundation construction is permissible on this type of bedrock or over-excavation and placement of compacted structural fill can be used alternatively. 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 landscaping. This subdivision should have a minimal effect on wildlife and wildlife habitat, as it is in an area that is rapidly urbanizing.

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. Sidewalks will offer a safe place for pedestrians to walk. Storm water will be directed to detention ponds via storm sewer lines installed in the streets. 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 primary bikeway along High Sierra Blvd. The developer previously constructed and striped a bike lane along the subdivision’s High Sierra Blvd. frontage in accordance with the plan.

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 with one exception. A variance has been requested to allow Vera Cruz Circle to extend beyond the 600-foot maximum length until a future extension of Vesca Way is made. Staff’s analysis and recommendation on this variance request are found in Attachment A. 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-R zoning district. All development shall comply with the standards set forth in Section 27-308, BMCC. Lot 33, Block 5 is a non-conforming lot that the subdivider proposes to aggregate with the property adjacent to the north concurrent with final plat recording (**Condition #2**). Final zoning compliance on the residential lots 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 YVEC on the face of the plat (**Condition #1**).

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 eight local streets to be dedicated to the public as shown on the plat.

CONCLUSIONS OF FINDINGS OF FACT

- The preliminary plat of High Sierra Subdivision, 8th 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, August 25, 2014.

Thomas W. Hanel, Mayor