

FINDINGS OF FACT – High Sierra Subdivision, 9th 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, 9th 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 1/2 mile northeast of the property. This subdivision does not contain any ditches or water shares, and 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). There is an existing 8-inch main in Bonito Circle that will be extended to serve the new lots. Pressurized fire hydrants will also be extended. The improvements are subject to the review and approval of the CWDBH and the City Fire Department 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 of Billings by connecting to the existing 8-inch sewer main in Bonito Circle. As proposed, the City of Billings Public Works Department finds the sewer main extension to be acceptable.

MDU will provide gas services, 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 #2**). 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 an extension of the existing street Bonito Circle which has intersections with both Annandale Road and Greenbriar Road. The Bonito Circle extension and the new local street, Centinella Circle, will be built to City standards at 34 feet wide, with curb, gutter and boulevard-style sidewalks, all within 56-foot rights-of-way. Both streets will end with a temporary turnaround and will be extended further in future filings of the subdivision. Since the proposed turnarounds are located off the subject property it is recommended that recordable easement documents accompany the final plat documents (**Condition #2**).

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 9th 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 0.32%, 0.29%, and 0.25%, 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). In order to avoid street name confusion during an emergency dispatch situation, City Fire and County GIS have requested that “Centinella Circle” be renamed as it is too similar to Sentinel Court. This is recommended as a condition of final approval (**Condition #3**).
- f. **Schools** –Independent School District provides educational services to elementary students, while School District #2 provides service to middle and high school students (Castle Rock Middle School, and Skyview High School). Independent School District superintendent commented that there is capacity at the school for more students, however no busing service will be provided. A response from the principal at Skyview indicated that there is still capacity for additional high school 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 0.316 acres (11% of the net area of 2.8 acres). The subdivider proposes to

provide cash in lieu of parkland for this filing of the subdivision. The nearest park to this property is Sally Ann Park, located to the north and east of the property adjacent to the proposed detention pond. This City park is not yet developed.

- 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 their 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 to the north of the subdivision. 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 does not identify any facilities in this area.

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 and R-70-R 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 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 the extension of Bonito Circle and the creation of Centinella Circle, both 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, 9th 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