

FINDINGS OF FACT

The Planning staff has prepared the following Findings of Fact for the preliminary plat of Josephine Crossing Subdivision, 5th 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 23-302.H.2.]

1. Effect on agriculture and agricultural water user facilities

The subject property is vacant former cemetery land that has been purchased, and will be annexed and rezoned for this filing. Any irrigation facilities will be modified to continue to provide irrigation to the remaining farmed area to the west. As such, this development should not have a negative effect on agriculture.

2. Effect on local services

- a. **Utilities** – Water service will be provided by the City of Billings. The developer will install new water mains in all of the new local streets, new individual services to all of the lots, and new fire hydrants 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).

Sanitary sewer service will be provided by connecting to the existing 24 inch gravity sewer trunk main in Elysian Road east of the subdivision. A lateral sanitary sewer will be extended south from Elysian Road along the new internal street. The subdivider will install new sewer mains in the local street and individual services for each lot in accordance with design standards, specifications, rules and regulations of the City of Billings Public Works Department and MDEQ.

MDU will provide gas services and North Western Energy will provide electric services to the subdivision. Easements have been shown on the face of the plat that are acceptable to these utility providers. Many of the private utilities lines will go in the alleys.

- b. **Storm water** – Storm water drainage for the public streets is proposed to be provided by curb and gutters that discharge into perforated storm water pipes and eventually to a detention pond south of the subdivision. Because the subsurface soils are alluvial gravels, a perforated pipe system will help disperse much of the stormwater to the groundwater prior to it reaching the off-site detention pond. These and all other 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 City Engineering Division.
- 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 would add to the local street network for this subdivision, it will also add another exit for the subdivision. The street is proposed to be built to City standards by providing a 34-foot width, curb/gutters, and boulevard sidewalks. There was a TIS update done for this filing and it is highly recommended that some form of traffic calming measure be considered for the internal roadways within Fifth Filing to help lower vehicle speeds like what was done on other North-South streets in the previous filings of Josephine Crossing.

A Traffic Impact Study (TIS) was completed with the original Master Plan in order to evaluate the subdivision's impact on the street network in the surrounding area. In the update to the original TIS provided by the developer for the 5th Filing, it recommends the developer should be responsible for 3.0 percent of the cost of future improvements at the intersection of the Midland Road and Muldowney Lane, as well as 3.8 percent of the cost of future improvements at the intersection of Elysian Road and Muldowney Lane. City engineering staff was satisfied with this update, and has indicated they will work with the developer on these measures. One of the areas identified for improvement is the intersection of Muldowney Lane and Midland Road. It would be improved to acceptable levels of service with the addition of a second northbound through lane at this intersection. A turn lane onto Elysian Road from Muldowney Lane headed east has been installed as recommended by the TIS.

- e. **Emergency services** – The Billings Police and Fire Department will respond to emergencies within the proposed subdivision. The nearest fire stations are located 476 6th St. West (Station #4) and 604 S. 24th St. West (Station #5). Fire Department staff has reviewed the proposal and have approved the proposed layout of the subdivision. It meets their requirements for maximum distance from a public road to structures which is 150 feet. The Billings Police noted in comments that “continued development will eventually require additional resources to maintain current levels of service”. The subdivision is located within the ambulance service area of American Medical Response (AMR).
- f. **Schools** – School District #23 (Elysian Elementary) provides educational services to elementary through middle school students. Previous responses from Elysian indicated that due to their recent increase in student body (primarily from Josephine Crossing Sub. and Riverfront Pointe Sub. to the north), the district voters approved a \$250,000 school bond in 2011 and a then another \$10 million bond in March 2013. The school board is carrying out plans to build additional class rooms and common area at their current site, as well as improve the school's water and sewer systems. The developers of Josephine Crossing have indicated that they are closely participating in these expansion plans. Senior High School (School District #2) would serve as the high school for this subdivision.
- 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.

Additional provisions in the laws allow this dedication of parkland to be waived if “the subdivision provides for a planned unit development or other development with land permanently set aside for park and recreational uses sufficient to meet the needs of the persons who will ultimately reside in the development; and the land and any improvements set aside for park purpose equals or exceeds the area [otherwise required].” When the Josephine Crossing Master Plan was originally reviewed and the Planned Development documents were approved and adopted by the City, parkland provisions were established as an integral part of the neighborhood. Overall, more than 11% of the land area in the entire Planned Development is being provided for parkland, and the developers have improved the parkland with turf, irrigation, and numerous recreation facilities and features. This park area will be privately owned and maintained by the very active Homeowners’ Association for the subdivision. This filing is also providing private park area that will be planted and irrigated and maintained by the Homeowners association. They are providing 13.7% of total land of the 5th filing as parkland, 2.11 acres.

- 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. A note in the SIA acknowledges this, and indicates the developer’s intent to coordinate mailbox locations with the postal service.

3. Effect on the natural environment

The subject property is currently farmed and slopes to the south toward the Yellowstone River. The 100-year flood plain as identified by FEMA is adjacent to the subject property; however none of it is located within the area of proposed subdivision.

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

There will be no impacts to public health, safety and welfare as a result of this subdivision.

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 76-3-210, 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: Protect and increase the availability of public access to natural areas and trails along the River (p. 10).
- d. Goal: Safe, functional, and attractive streets for all users, including drivers, bicyclists and pedestrians (p. 13).
- e. Goal: Healthy, safe neighborhoods and communities with sense of pride (p. 15).

2. Urban Area Transportation Plan 2010 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 (BABTMP)

The proposed subdivision lies within the jurisdiction of the BABTMP. A trail corridor on the south and east sides of the property exists within parkland dedicated to the City in the first filing of this subdivision. These trails connect the subdivision to “Norm’s Island” and Riverfront Park. It is presently a soft surfaced trail and no immediate plans to improve it have been proposed. The identified trail is on the south end of this development and is identified on the plat in connection with this proposed filing. The trail would continue on to the west but is identified on others property and not part of this 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 23-302.H.3.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 23-302.H.3.e.]

The subject property will be located within the Josephine Crossing Planned Development zoning district. A Master Plan and Planned Development Agreement (PDA) were established in 2006 specifying land use allowances and restrictions. This proposal will be added to the PDA and substantially complies with the Master Plan and PDA.

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 NWE 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 Elysian Road and connects to the other road within the existing Josephine Crossing Subdivision.

CONCLUSIONS OF FINDINGS OF FACT

- The preliminary plat of Josephine Crossing Subdivision, 5th 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 Plan or Billings Area Bikeways and Trail Master Plan.
- 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.