

Findings of Fact

Amended Lots 9-11, Block 4 & Lots 15-18, Block 5, Grand Peaks Subdivision, 3rd Filing

Staff is forwarding the recommended Findings of Fact for Amended Lots 9-11, Block 4, and Lots 15-18, Block 5, Grand Peaks Subdivision, 3rd Filing for review and approval by the 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 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 majority of the subject property is not currently used for agriculture, although there is a fringe of the subject property that may be cultivated. There are no irrigation facilities on the site. It is anticipated that there will be no effect on agriculture or water user facilities.

2. Effect on local services

- a. **Utilities** – This part of the subdivision is currently not served by a public water system. Water lines will be extended from West Thunder Mountain Road and North Thunder Mountain Road in the public right of way. The developer will install new water mains in 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).
- b. **Sewer** – This portion of the subdivision is currently not served by a sanitary sewer. The subdivider will install new sewer mains in the local streets 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.

Private utilities such as electric, cable and gas will be installed by the subdivider; any line located within the public right-of-way shall be subject to the approval of the City Engineer.

Storm water – Storm water drainage for the public streets is proposed to be provided by a network of curbs and gutters, drained to underground storm drains and then discharge to an existing retention pond that is located within the subdivision. All drainage improvements shall also satisfy the criteria set forth by the City of Billings Storm water 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 subdivider will construct all required improvements for West Thunder Mountain Road and North Thunder Mountain Road. They will be constructed within the existing 56 foot wide right-of-way using curb and gutter with full-width pavement (34 feet back of curb to back of curb). This installation will be in accordance with all of the requirements of the City of Billings Engineering Division.

The subdivider will install all necessary traffic control devices in accordance with the plans and specifications submitted to and approved by the City Engineering Division. This proposed subdivision is relocating lot lines that were originally platted as Grand Peaks Subdivision 3rd Filing. At the time of the original filing there were contributions made for future signalization of Rimrock road and 54th Street West and Grand Avenue and 54th Street West. No additional contribution is required for those intersections from this subdivision.

- e. **Emergency services** - The Billings Police and Fire Departments will respond to emergencies within the proposed subdivision. Fire hydrants will be provided at street intersections and at intermediate locations where distances exceed 500 feet. The nearest emergency service station is located at 1501 54th Street West (Station #7). The subdivision is located within the ambulance service area of American Medical Response.
- f. **Schools** – School District #2 provides educational services to elementary through high school students. Schools serving these students are Burlington Elementary, Lewis and Clark Middle School, and Senior High School. No written responses from the district were received at the time this report was drafted. However, the district has completed a master plan for growth addressing school capacity and facilities, and is now looking at adjusting district boundaries to better serve residence in different areas of the City.
- g. **Parks and Recreation** – This subdivision is relocating some lot lines within the Grand Peaks Subdivision 3rd Filing and is part of Phase II of that filing. Parkland will be a cash-in-lieu donation and the subdivision will be included in a Park Maintenance District for Cottonwood Park. The cash-in-lieu contribution was submitted with Phase I of Grand Peaks Subdivision 3rd Filing. The Phase II cash-in-lieu will be made prior to approval of the Phase II Private contract. A comparative market analysis shall be used to determine the parkland dedication amount in accordance with Section 23-1006, BMCC prior to that payment. In the SIA under X Phasing of Improvements, the applicant will add language to clarify that this proposed subdivision is part of 'Phase II' of Grand Peaks Subdivision 3rd Filing (**Condition #1**).

- h. **Mail Delivery** - The United States Postal Service will provide postal service to the subdivision. Any special requirements will have to be submitted and approved by the Postal Service.

3. Effect on the natural environment

The subject property is in an area where conversion of agricultural land to suburban and urban development has been happening for many years. The area consists of some agricultural land to the north and is higher density residential development in the City. During development, storm water pollution prevention best management practices are required to be used and monitored to prevent erosion on exposed ground. These provisions should help balance any impacts on the natural environment.

4. Effect on wildlife and wildlife habitat

The proposed subdivision should not affect wildlife or habitat. There are no known endangered or threatened species on the property.

5. Effect on the public health, safety and welfare

The subdivision should not negatively affect public health or safety. The subject property is not within a mapped floodway or flood zone. A geotechnical survey will be required prior to any re-construction to ensure appropriate foundation designs are installed based on the subsurface conditions. There are no obvious threats to public health, safety or welfare.

B. Was an Environmental Assessment required? [MCA 76-3-616 and BMCC 23-901]

The proposed subdivision is exempt from the requirement for an Environmental Assessment pursuant to Section 76-3-616, MCA and 23-901, BMCC.

C. Does the subdivision conform to the Yellowstone County-City of Billings 2008 Growth Policy Update, the 2006 Billings Heights Neighborhood Plan, the Urban Area Transportation Plan, 2009 Update, and the Billings Area Bikeway and Trails Master Plan? [BMCC 23-303(H)(3)]

1. Yellowstone County-City of Billings 2008 Growth Policy Update

The proposed subdivision is consistent with the following goals of the Growth Policy:

- a. **Goal:** Predictable land use decisions 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:** More housing and business choices within each neighborhood (p. 6).

2. Urban Area Transportation Plan Update 2009

The proposed subdivision adheres to the goals and objectives of the 2014 Transportation Plan Update and preserves the street network and street hierarchy specified within the plan.

3. Billings Area Bikeway and Trail Master Plan

The Billings Area Bikeway and Trail Master Plan does identify a bike lane on 54th Street West. No other bike trail is identified in this area or in this subdivision.

D. Does the subdivision conform to the Montana Subdivision and Platting Act and to local subdivision regulations? [MCA 76-3-608(3)(b), BMCC 23-303(H)(2)]

The proposed subdivision, with the proposed conditions, 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 23-303(H)(2)(e)]

The subject property is located in two different zoning districts, one is Residential 5000 (R-50) and the other is Residential Multi Family Restricted (RMF-R). The lot sizes within the subdivision will conform to the requirements of the R-50 and RMF-R zoning. 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 plat provides easements for utilities throughout the proposed subdivision. Those easements are provided for needed utilities.

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)]

Access to the lots affected by this subdivision shall be from West Thunder Mountain Road. Grand Peaks Subdivision accesses both 54th Street West and Grand Avenue. Access from those roads to this proposed subdivision would be via internal streets of the subdivision.

CONCLUSIONS OF FINDING OF FACT

- The preliminary plat of Amended Lots 9-11, Block 4, and Lots 15-18, Block 5, Grand Peaks Subdivision, 3rd 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, and does not conflict with the 2014 Transportation Plan Update or the Trail 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.

Approved by the Billings City Council, July 27, 2015

Thomas W. Hanel, Mayor