

FINDINGS OF FACT

The Yellowstone County Board of Planning recommends the following Findings of Fact for the preliminary plat of Trails West Subdivision, 3rd Filing and has provided them for review by the City Council, as follows: 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 23-302(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 was previously irrigated agricultural land irrigated from the High Ditch, which is located about a half mile north of the property. From the ditch, a pipe runs down through Foxtail Village Subdivision to a head gate near the northwest corner of the property. There is a lateral ditch running along the north and there used to be one running along the west side of the property. The ditch on the north side provided irrigation to the school district property on the southwest corner of 56th St. West and Grand Ave. The west ditch provided irrigation water to the subject property as well as to two properties to the south. The west ditch went away with the 1st Filing, as this property will no longer be farmed and property owners to the south have signed an agreement with the developers saying that they did not need the ditch anymore for their properties. No water rights are being transferred to subsequent owners of this property.

Another waterway on the property on the west side is the Birely Drain. With the first and second filings a dedicated right-of-way around the Birely Drain was made to the City of Billings. The Birely Drain District is amenable to having the City of Billings take over ownership of the drain at some point in the future, as existing subdivisions and streets are already using it for stormwater drainage. There is some confusion about what is really the Birely Drain. In a stormwater study done for the City of Billings in 2013 the drains labeled as “Rimrock Drain,” “64th Street Drain,” and “50th Street Drain” on some older maps are really part of the Birely Drain.

2. Effect on local services

- a. Utilities** – Public water and sewer services will be provided to the future lots through lines within the internal subdivision streets extended from the main lines within Grand Avenue. In order to provide a properly looped water system for better service and quality, City Engineering required a 20-inch or larger main line be installed in 56th St. West. As with previous filings in regard to sewer service, because gravity sewer is not feasible, the subdivider is proposing to install low-pressure sanitary sewer mains and require the installation of individual low-pressure sanitary sewer lines and grinder pumps in each household. A note regarding this requirement is found in the “Conditions that Run with the Land” section of the SIA. Private electric and gas utilities will be served by Yellowstone Valley Electric Cooperative and MDU.

- b. Storm water** – Stormwater management for the proposed subdivision will be provided by directing water through a network of curb and gutters, inlets and piping to series of five temporary retention ponds located at the terminus of the various streets as shown on the plat. These stormwater facilities will be abandoned when future filings are developed and retention facilities are created elsewhere in the subdivision. A preliminary storm drain report was submitted to City Public Works with the preliminary plat submittal. All drainage improvements shall satisfy the criteria set forth by the *City of Billings Stormwater Management Manual* and are subject to review and approval by the City Engineering Department.

The applicant will also add language to the SIA outlining the maintenance of the ponds and all appurtenances associated with them is the responsibility of the HOA. **(Condition #1)**

- 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** – Access to the lots in the 3rd Filing will be via extension of the 1st and 2nd Filing internal streets from Grand Avenue and 56th Street West. The internal subdivision streets will be constructed to 34-foot pavement widths, with curb, gutter, and 5-foot wide boulevard style sidewalks within 56-foot wide rights-of-way. The one exception is Stockman Avenue, which will function as a Collector street and will be built to a width of 39 feet within a 74-foot wide right-of-way. The sidewalks will be built at the time of lot development with the exception of the ADA ramps at the street intersections. Those will be built by the developer at the time of street construction. Proposed street names for the internal streets have been approved by the City Fire Department and the County GIS Department.

The subdivider will be required to make cash-in-lieu contributions toward the design and installation of future intersection traffic controls at the intersections of Grand Avenue and 54th Street West, at Grand Avenue and 56th Street West, and if determined necessary, at Central Avenue and 56th St. West. These intersections were identified in the Traffic Impact Study as being affected by the proposed subdivision. The required contributions are based on the estimated volume of subdivision traffic using these intersections and an estimated cost of the intersection for the design and construction of a traffic signal at the intersection. Installation of a traffic signal is assumed for calculation of the cash-in-lieu contribution only. Other forms of intersection control, such as a roundabout, may ultimately be installed at one or both of these intersections. The final contribution amounts shall be approved by the City Traffic Engineer prior to final plat approval. **(Condition #2)**

The applicant will be responsible for the cost of construction of 56th Street West directly adjacent to the subdivision through cash contribution. A contribution will be made that will include cost of sub-base, base course, asphalt paving, standard

curb & gutter, 5-foot wide boulevard sidewalks, and estimated engineering design and construction administration costs (given credit for what is constructed). The contribution will be collected in phases, prior to release of each phase for development and the road will be built at a later time by the City (**Condition #2**).

In the SIA the applicant will add language in III. Transportation to address the requirement for a cash-in-lieu contribution toward the construction of 56th Street West. (**Condition #3**)

- e. **Emergency services** – The Billings Police and Fire Departments will respond to emergencies within the proposed subdivision. The nearest fire station is located within one mile of the subdivision at 54th St. West and Grand Avenue (Station #7). The Fire Department finds the proposed layout will provide adequate emergency access.
- e. **Schools** – The subdivision is located within School District #2 (SD#2). The school assignments for the subdivision were received from the School District during the review of the 1st Filing. Students from the proposed subdivision will attend Central Heights Elementary School, Lewis and Clark Middle School, and Senior High School. These assignments will necessitate bussing of the students. Currently, a new middle school at the southwest corner of 56th St. W. and Grand Ave. adjacent to this subdivision is under construction. When the school is finished, SD#2 will implement the new school boundaries and the schools for this neighborhood may change.
- f. **Parks and Recreation** – In accordance with State and City laws, the subdivider is required to provide a minimum of 0.894 acres of parkland. The subdivider has proposed to meet this requirement by providing cash in lieu of land dedication, with the contributions made in phases. In addition to cash, the developer is proposing to continue the 5-foot wide multi-use trail on the western property line within the Birely Drain right-of-way tract. This trail is proposed to be for public use, and maintained by the homeowners' association.
- g. **Mail Delivery** - The United States Postal Service will provide postal service to the subdivision and has requested the installation of centralized mailbox units (CBUs). The developer will work with the USPS to identify appropriate locations of CBUs prior to final plat approval.

3. Effect on the natural environment

The subject property is vacant property that has been planned for urban development since the original Master Plan review in 2009. The property is generally flat, with the exception of the Birely Drain on the western edge, which is being protected in a dedicated right-of-way.

The geotechnical study was performed for the subdivision and structural recommendations were included in that study dated August 11, 2008. The information

from that study is included in the SIA. The subdivision should have a minimal effect on the natural environment.

4. Effect on wildlife and wildlife habitat

There are no known endangered or threatened species on the property. As indicated within the Conditions the Run with the Land section of 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

Fire hydrants will be constructed to meet fire department requirements. Sidewalks and trails will offer a safe place for pedestrians to walk. The effects on public health and safety should be minimal.

B. Was an Environmental Assessment required? [(MCA 76-3-603 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: More housing and business choices within each neighborhood. (p. 6)
- d. Goal: A multi-purpose trail network integrated into the community infrastructure that emphasizes safety, environmental preservation, resource conservation and cost effectiveness. (p. 10)

3. 2014 Billings Urban Area Long Range Transportation Plan

The proposed subdivision adheres to the goals and objectives of the 2014 Billings Urban Area Long Range Transportation Plan and preserves the street network and street hierarchy specified in the plan.

4. 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 Grand Avenue. Once Grand Ave. is reconstructed in the future, bikeway improvements may be completed 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 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-60-R and R-96 zoning districts. All development shall comply with the standards set forth in Section 27-308, BMCC.

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 the City, 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 Grand Avenue and 56th Street West via Wilderness Drive, Black Berry Way, Mountain Front Avenue, Horseshoe Trail, Ninebark Street, Grouse Berry Street, Bitterbrush Street, Sandcherry Street, North Fork Trail, Phantom Creek Avenue, and Stockman Avenue.

CONCLUSIONS OF FINDINGS OF FACT

- The preliminary plat of Trails West 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 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, March 28, 2016.

Thomas W. Hanel, Mayor