

## FINDINGS OF FACT

The Yellowstone County Board of Planning recommends the following Findings of Fact for the preliminary plat of Harmony Meadows Subdivision, 2<sup>nd</sup> 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 Suburban Ditch, which is located on the north edge of the subject property. On the west side of the subject property is the Hogan Slough. The Hogan Slough runs to the south and drains into the Yellowstone River. The Suburban Ditch flows farther east and then north into the City of Billings. No water rights are being transferred to future owners of this property.

**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 Elysian Road. The subdivider will place 12 inch water mains inside the proposed subdivision connecting to 8 inch stub outs from Elysian Road. This will be done to City of Billings Public Works and MDEQ standards, rules and regulations. In the final phase of this subdivision development, the subdivider will install a 12 inch water line along the entire length of the common frontage with Muldowney Lane at Phase IV development. It will be installed to City Public Works and MDEQ standards. The subdivider will install an 8 inch gravity feed sewer main in the interior roads of the subdivision. These lines will connect to existing 8 inch sewer stub outs along Elysian Road. The sewer lines will be installed to meet all City Public Works and MDEQ standards. Private electric and gas utilities will be served by Northwestern Entergy and MDU. Easement for the private utilities will be shown on the final plat. **(Condition #1)**
  
- 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 a retention pond located within the dedicated parkland at the southern end of this subdivision by the Yellowstone River. This detention facility in the dedicated public park land will be reviewed and approved for location, size, functionality, maintenance, and any other requirements the City Parks Department deems necessary for proper functioning within the park. **(Condition #2)** A preliminary storm drain report was submitted to City Public Works with the preliminary plat submittal and a final stormwater management plan will be submitted to City Public Works for final review and approval with the final plat. **(Condition #3)** 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. In the SIA under Storm Drainage language must be modified to properly define that a Park Maintenance District will be maintaining the storm water detention facility. **(Condition #4)**

- 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 subdivision will be from Elysian Road. At this time, there are no plans to access off of Mullowney Lane. The applicant must add a controlled access strip on the face of the plat along Elysian Road so that the City Engineering Division may manage access from the proposed lots in Elysian. **(Condition#5)** Elysian Road will be upgraded to Collector Street status. Required improvements to the street will include, but not be limited to, curb and gutter, a multi-use path, and a three lane section along the frontage of the subdivision as required by the City Engineering Division. The subdivider plans to make these improvements to the road at the same time as the phases of the subdivision with the exception of the multi-use path. The subdivider will be installing the multi-use trail and contribute to the bike/pedestrian bridge over Hogan Slough. **(Condition #14)** Construction of improvements will be done to City of Billings Engineering Division standards and approved before construction. There is currently a bridge across Hogan Slough on Elysian Road. The internal subdivision streets named Dodger Lane and Interstate Avenue will be constructed to 44-foot back of curb to back of curb pavement widths, with curb, gutter, and 5-foot wide boulevard style sidewalks within 70-foot wide rights-of-way. From the south side of the intersection of Dodge Lane and Interstate Avenue, including Story Road, the roads will be paved with a standard width of 34 feet back of curb to back of curb. The sidewalks will be built at the time of lot development with the exception of the ADA ramps at the street intersections. The ADA ramps will be built by the developer at the time of street construction. **(Condition #6)**

A traffic study was submitted with this subdivision proposal. There are other intersections outside the subdivision that it impacts that need to be analyzed through the study and submitted to City Engineering for review and approval before final plat. Offsite intersection contributions must be identified within an updated Traffic Impact Study. These contributions also must be outlined within the SIA detailing each intersection and timing of contribution. **(Condition #7)**

Proposed street names for the internal streets have been approved by the City Fire Department and the County GIS Department. The street that runs north and south will be a continuation of an existing street, Interstate Avenue, in accordance with Billings Subdivision Regulations, Section 23-406 (A) 8 Street Continuity: Streets that are a continuation of streets in contiguous territory shall be so aligned as to assure that their centerlines shall coincide and shall have matching names.

Dodger Lane, a proposed internal street that runs east and west in this subdivision, will meet Interstate Avenue to create a 'T' intersection. Access to the lots west of that intersection will have internal parking lot drives to access businesses or residential uses. There will be no connection to the subdivision to the west with Dodger Lane.

The applicant is connecting to Story Road to the east and carrying that road across the subdivision to the west, with a connection to the west across the Hogan Slough. The subdivider will be providing a 50% contribution for the design, permitting and construction of the crossing of Story Road over the Hogan Slough. It will be part of the Phase IV construction and the contribution will be made at that time. Should the cost of the crossing exceed the 50% contribution, the City of Billings will have the right to create a Special Improvement District (SID) to cover the additional costs. In the SIA under Transportation A Streets paragraph 3, the last sentence must be modified to include language stating any overages incurred beyond the 50% that was initially contributed for crossing Hogan Slough may be provided through creation of an SID to include lots within the subdivision. **(Conditions #8)**

The applicant and City staff has had a great deal of discussion regarding the roads in and around the proposed subdivision. Focus has been on the portion of Interstate Avenue south of Dodger Lane and the connections to Story Road to the east and across Hogan Slough to the west at the bottom portion of the subdivision.

The subdivision regulations states that new subdivisions will connect to existing streets that abut the subdivision property. In this case, Story Road is an existing road in River Grove Estates Subdivision that dead ends on the south east property line of this proposed subdivision. It has not been completely built, its east end connects to Mallowney Lane and the west end to the south east property line of this proposed subdivision. Stearns Circle, also inside River Grove Estates Subdivision, connects the two ends of Story Road and serves the lots in the county subdivision. Stearns Circle is a gravel road.

There have been several different proposal put forward by the applicant with input from City staff to address the second access for the southern end of the subdivision.

Another option discussed by the applicant and staff was to connect to the west over Hogan Slough into the future subdivision being prepared by McCall Development. This solution would give the needed second access out of this subdivision, connect the two neighborhoods, and provide access to parkland that is being dedicated in both subdivisions along the Yellowstone River. This option would require the applicant to request a variance from the subdivision regulations to connect to the existing Story Road that abuts the property on the east. In any option, the applicant would still be required to provide water and sewer utilities to the edge of the property at Story Road.

The subdivider for this subdivision and the subdivider for the proposed subdivision to the west, Josephine Landing, had a meeting with their respective engineers and came to a mutual agreement how to handle providing connectivity for the two subdivisions. The result of that meeting is the attached proposed plat. The planning board reviewed this proposal and conducted a public hearing on the plat. See Attachment Letter from McCalls.

The proposed plat presented with this staff report is the preferred option for the Yellowstone Board of Planning, the Planning Division and the Parks Department because it is viewed as the best solution, providing the most benefit for not just the proposed subdivisions and the neighborhood, but also the entire community. Engineering is requiring the applicant provide a proportional share to pave Story Road/ Stearns Circle connection out to Muldowney Lane. At the time of developing Phase IV of Harmony meadows the applicant would provide a proportional share to pave the east and west end of Story Road and the connecting road between them, Stearns Circle or Story Road. **(Condition #9)** The original wording of condition 9 required the applicant to bear the entire cost of paving Stearns Circle or Story Road. During the public hearing the Planning Board amended that condition to require the developer of Harmony Meadows to pay his proportional share of the costs to pave Stearns Circle or Story Road.

- e. **Emergency services** – The Billings Police and Fire Departments will respond to emergencies within the proposed subdivision. The nearest fire station is located about 3 miles of the subdivision at South 24<sup>th</sup> St. West and Still Water Drive (Station #5). The Fire Department finds the proposed layout will provide adequate emergency access.
- e. **Schools** – The subdivision is located within Elysian School District #23 (SD#23) for elementary and middle school. They are in School District #2 (SD#2) for High School, West. These assignments will necessitate bussing of the students. Comments received from the Elysian School District state that they have more capacity for Elementary and Middle School students. They also state that with this subdivision bus routes would be added. SD#2 stated that West High School has more capacity for students.
- f. **Parks and Recreation** – Billings Subdivision Regulations Section 23-1002 (B) 1, requires parkland dedication for this subdivision at 11% of the overall land developed for residential uses. In accordance with this regulation, the subdivider is required to provide a minimum of 6.53 acres of parkland. The subdivider has proposed to meet this requirement by providing 5.25 acres of land at the southern end of the development by the Yellowstone River. The Parks Department staff is in favor of this proposal and supports the proposed street layout that has Story Road frontage all across the park land area from the eastern edge of the subdivision to the western edge of the subdivision. The remaining acreage will be provided with smaller ‘pocket parks’ spread throughout the housing in the subdivision. These ‘pocket parks’ will be private parks and will be maintained by an HOA. The City

Parks Department must review and approve of the planned pocket parks in the subdivision to ensure that they will be counted toward park dedication requirements. **(Condition #10)** To ensure that the park and detention pond in the park are master planned at a known time Parks has requested that Phase IV trigger the master plan requirement and create districts that will enable them to build the park and maintain them. **(Condition #13)**

- 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. **(Condition #11)**
- h. Phasing** – The subdivider is planning to develop this property in four phases. Phase one includes Lots 7-12, phase two includes Lots 1 - 6 and Lots 20 -23, phase three includes Lots 13, 18 and 19, and phase four includes Lots 14- 17. See attachment A for a map of the proposed phases. The subdivider will be providing all the needed paperwork for the phased development of this subdivision prior to final plat approval. **(Condition #12)**

### **3. Effect on the natural environment**

The subject property is vacant property that is generally flat in appearance and has been historically used for farming purposes. The Hogan Slough is on the western edge and the Suburban Ditch runs along the northern border of the subject property. There will be no water shares transferred to new owners within this subdivision.

### **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) *The subdivision's mix of uses fits in with the surrounding existing and proposed development.*
- b. Goal: Affordable housing for all income levels dispersed throughout the City. (p. 6) *It is expected that the apartments in this subdivision will provide options for housing for residents of Billings as well as convenient local services.*
- c. Goal: More housing and business choices within each neighborhood. (p. 6) *The subdivision's mix of uses provides for housing and business choices in this neighborhood and area of the community.*
- d. Goal: Safe, functional, and attractive streets for all users, including drivers, bicyclists and pedestrians. (p. 13) *The proposed subdivision will provide excellent connectivity to properties on all sides, boulevard sidewalks on both sides of the streets, and a multi-use trail along Elysian Road.*

### **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 Elysian Road. A multi-use path and bike lanes are expected to be constructed when Elysian Road is improved in this area.

This area of this subdivision also is identified in the **Zoo Montana to Riverfront Park Trail Feasibility Study** completed in 2014. The Study identifies Elysian Road as having a high potential for a 10 foot wide trail within its public right-of-way, and this is planned with the reconstruction of Elysian Road with development of this subdivision. The Study also shows that a trail connection option closer to the Yellowstone River along the Story Road alignment would provide another excellent opportunity for access and connectivity along the River in this area. The proposals by the subdivider to provide both a full road connection from the current end of Story Road to the west across the subdivision and a 5+ acre, dedicated park across the southern end of the subdivision supports and is in alignment with the Study 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 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 Community Commercial and Highway Commercial zoning districts. All development shall comply with the standards set forth in Section 27-308, BMCC for residential construction and 309, BMCC for commercial construction.

**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 will be providing 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 Elysian Road and the internal streets in the subdivision.

#### **CONCLUSIONS OF FINDINGS OF FACT**

- The preliminary plat of Harmony Meadows Subdivision, 2<sup>nd</sup> 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, does not conflict with the Transportation or Bikeway and Trail Plans, and supports the goals of the 2014 Zoo Montana to Riverfront Park Trail Feasibility Study.
- 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.

#### **RECOMMENDATION**

Staff recommends that the Planning Board recommend conditional approval of the preliminary plat of Harmony Meadows Subdivision, 2<sup>nd</sup> Filing, to the City Council, and adopt the Findings of Fact as presented in the staff report.

Approved by the Billings City Council, March 28, 2016.

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Thomas W. Hanel, Mayor