

## FINDINGS OF FACT

The Planning staff has prepared the Findings of Fact for the Planning Board for the preliminary plat of Copper Ridge Subdivision, 6<sup>th</sup> 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 vacant former cropland located in the City limits that has been slated for urban development since it was originally master planned in 2005. There are no irrigation facilities serving this property. As such, this development should not have a negative effect on the agricultural industry.

### **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). The new water lines in West Copper Ridge Loop will complete a water line loop.

Sanitary sewer service will be provided by connecting to the existing City of Billings' sewer mains in the subdivision. 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.

A cash-in-lieu contribution for a 12 inch water line and two fire hydrants will be made by the subdivider to be extended in the future from the terminus of West Copper Ridge Loop to the western edge of the subdivision. The sewer lines will be extended in Rimrock Road 30 feet past the intersection of West Copper Ridge Loop.

MDU will provide gas services and Yellowstone Valley Electric Cooperative will provide electric services to the subdivision. Easements have been shown on the face of the plat that are acceptable to these utility providers.

- b. **Storm water** – Storm water drainage for the public streets is proposed to be provided by curb and gutters that discharge into storm water pipes and eventually to retention areas in the proposed parkland along Rimrock Road. 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 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** –With this 6<sup>th</sup> Filing, Rimrock will be improved to the 24-foot wide paved section, from the intersection of West Copper Ridge Loop to the western edge of the subdivision. It will include the paved surface and borrow ditch swales. The applicant will be making a cash-in-lieu contribution for the future curb and gutter.

The lots within the subdivision will be served by the construction of the final section of West Copper Ridge Loop and by the extension of Copper Ridge Loop. One proposed change to the original street layout is the vacation of a short street off of West Copper Ridge Loop, Palladium Drive, on the western edge of the subdivision. The applicant has proposed a new street, Copper Bluffs Circle, aligned in a location that allows access to the existing water lines already in place. This also provides future access to the west if this area were ever developed. City Engineering is agreeable to this proposal. The vacation will need to be completed prior to or concurrent with the final plat approval (**Condition #1**).

The streets are proposed to be built to City standards by providing a 34-foot width, curb/gutters, and boulevard sidewalks. Typically, the sidewalks are installed by the home builder on a lot-by-lot basis, as lots develop. However, sidewalks within park areas to be constructed by the subdivider include the continuation of the 6-foot-wide sidewalk in the park adjacent to Rimrock Road, where the park/stormwater retention facilities exist. In these cases, it is the City’s policy that the developer is responsible for installing these sidewalks at the time of the street private contract or provide a cash contribution for their installation. This information is included in Section 3.B. of the SIA.

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. Cash contributions have been made for previous filings for future intersection improvements at 62<sup>nd</sup> Street West and Rimrock Road. A proportionate contribution will similarly be made for this Sixth filing as described in the SIA.

- e. **Emergency services** – The Billings Police and Fire Departments will respond to emergencies within the proposed subdivision. The nearest fire station is located at 54<sup>th</sup> St. West and Grand Ave. (Station #7). The subdivision is located within the ambulance service area of American Medical Response (AMR). With this filing, West Copper Ridge Loop will be completed and there will no longer be any temporary turnarounds in the subdivision.
- f. **Schools** –School District #2 provides educational services to elementary through high school students. Schools serving these students are Boulder Elementary, Lewis and Clark Middle School, and Senior High School. At the time of the

writing of this staff report, there was no response from the schools or district. At the time of the 5<sup>th</sup> filing, Boulder Elementary was over capacity, while the other schools were below, but near capacity. The construction of a new middle school in West Billings and the re-allocation of 6<sup>th</sup> graders from the elementary schools to the middle schools is expected to ease capacity issues at Boulder Elementary and other elementary schools in the area. The subdivision is also currently on a bus route.

- g. **Parks and Recreation** – For residential subdivisions a subdivider shall dedicate to the City a cash or land donation equal to 11% of the area of the net land proposed to be subdivided into parcels of one-half acre or smaller, Section 23-1002 (A)(1), City of Billings Subdivision Regulations. When the Copper Ridge Subdivision Master Plan was originally reviewed and accepted by the City in 2005, parkland provisions were established as an integral part of the neighborhood. Overall, more than 11% of the net land area in the entire Copper Ridge Development is being provided for parkland, and the developers have improved the parkland with turf, irrigation, and numerous recreation trails. No additional parkland dedication is required with this filing.
- 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 dry grassland slightly sloping to the south toward Rimrock Road from the rimrocks near Phipps Park. The property is not located within any floodplain. During development, storm water pollution prevention best management practices are required to be used and monitored to prevent erosion on exposed ground. Overall, the effect on the natural environment should be minimal.

### **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 are no known negative 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 76-3-616, 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: 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: Safe, functional, and attractive streets for all users, including drivers, bicyclists and pedestrians (p. 13).
- d. Goal: Healthy, safe neighborhoods and communities with sense of pride (p. 15).

**2. 2014 Billings Urban Area Long Range Transportation Plan**

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

**3. Billings Area Bikeway and Trail Master Plan**

The proposed subdivision lies within the jurisdiction of the Billings Area Bikeway and Trail Master Plan. A trail corridor exists within parkland dedicated to the City in the previous filings of this subdivision. This trail network will eventually connect the subdivision to a future trail identified in the plan along Cove Ditch to the south and east.

**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 R-70-R zoning. The lot sizes conform to the requirements of this zone. Other building 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 23-302.H.3.b.]**

The subdivider has provided utility easements as requested by MDU and YVEC 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 West Copper Ridge Loop, Copper Ridge Loop and Copper Bluffs.

**CONCLUSIONS OF FINDINGS OF FACT**

- The preliminary plat of Copper Ridge Subdivision, 6<sup>th</sup> 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 or Bikeway/Trail Plans.
- 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.

**RECOMMENDATION**

Staff recommends that the Planning Board recommend conditional approval of the preliminary plat of Copper Ridge Subdivision, 6<sup>th</sup> Filing to the City Council, and adopt the Findings of Fact as presented in the staff report.

**ATTACHMENT**

A: Preliminary Plat and Associated Documents

Approved by the Billings City Council, May 23, 2016

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Thomas W. Hanel, Mayor