

Findings of Fact
Tule Ridge Subdivision

Staff is forwarding the recommended Findings of Fact for Tule Ridge Subdivision, Amended Plat of Lot 8 of Sunny Cove Fruit Farm 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 subject property is vacant former cropland located in the City limits that has been slated for urban development. There are no irrigation facilities serving this property. As such, this development should not have a negative effect on the agricultural industry. The proposal may help alleviate development pressure on existing agricultural areas by developing land that is no longer used for agricultural purposes. Overall, there is no anticipated negative effect on irrigation facilities or agriculture from this proposal.

2. Effect on local services

- a. **Water** – Water service will be provided by the City of Billings. The developer will install a new water line within 62nd Street West. The development will connect to the water and sewer lines from Rimrock Road until the lines are installed for the new connection in 62nd Street West to the southern boundary of property. This waterline improvement will include an 8-inch water line that will tie into the existing water main stub out from Rimrock Road with appropriate valving and 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** - The sewer services for the property will be from a main within 62nd Street West and will be installed to the southern boundary of the property. Installation of sewer line improvements within 62nd Street West shall include a minimum 8- inch diameter gravity collection main. Collection system grades and placement will meet all of the City of Billings Public Works Dept. and MDEQ standards, rules and regulations. The collection system will tie into the existing 8- inch stub outs from Rimrock Road.
- c. MDU will provide gas services Yellowstone Electric Coop will provide electric services to the subdivision. Easements will be shown on the face of the plat that are acceptable to these utility providers. **(Condition 7)**
- d. **Storm water** –All drainage improvements shall comply with the provisions of the current City of Billings Storm Water Management Manual **(Condition 5)**

(Condition 6). Standard language regarding provision of a Storm Water Pollution Prevention Plan must be added to the SIA under the Storm Water Drainage section. The applicant will be required before construction on the lots to submit and have approved a Storm Water Pollution Prevention Plan (SWPPP). This must be identified in the SIA to ensure future developers on the parcels are aware of this requirement **(Condition 1)**.

- e. **Solid waste** - The City of Billings will provide solid waste collection and disposal. The City's landfill has adequate capacity for this waste.
- f. **Streets** – Access to the lots will be provided directly from Rimrock Road and/or 62nd Street West as permitted by Engineering. Approaches shall meet the requirements of the City of Billings site development ordinance. The City of Billings is proposing to build a roundabout at the intersection of Rimrock Road and 62nd Street West. A corner right of way dedication at this intersection of 2,596 square feet is required with this plat. The dimensions of the triangle piece are 128.79 feet along Rimrock Road by 40.31 feet along 62nd Street West. If a corner dedication is not completed, then a 65-foot half right of way along the full frontage of 62nd Street West and Rimrock will be required. **(Condition #2)**

A Traffic Impact Study (TIS) must be res-submitted for review by the Engineering Division and it must outline and address the off-site improvements required (See paragraph below and Condition #3) and discuss the access allowances for the subdivision along its road frontages. **(Condition #4)**

To ensure the required road improvements are constructed and this subdivision participates in the improvements that it impacts, language must be added to the SIA outlining the cash contributions for frontage improvements on 62nd Street West and Rimrock Road. **(Condition #3)**

- g. **Emergency services** - The Billings Police and Fire Departments will respond to emergencies within the proposed subdivision. The nearest fire department is located at 1501 54th Street West (Fire 7). The subdivision is located within the ambulance service area of American Medical Response.
- h. **Schools** –This is a commercial subdivision and should have minimal effect on schools.
- i. **Parks and Recreation** - Parkland dedication is not required for this subdivision.
- j. **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 proposed subdivision should have only minor effects on the natural environment. There will be short term air and noise pollution associated with construction on the property. Storm water shall be managed in compliance with an approved plan and the property is outside of the flood plain. Any new development proposals in the future will need to prepare and submit a project-specific geotechnical analysis to minimize any potential impacts from soil and groundwater conditions.

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 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 Growth Policy Update, the Urban Area Transportation Plan Update, and the Billings Area Bikeway and Trails Master Plan? [BMCC 23-303(H)(3)]

1. City of Billings 2016 Growth Policy Update

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

- a) **Goal: ESSENTIAL INVESTMENTS** – *prioritize public and private investment in areas, policies, programs and projects that achieve the community vision as described in the Growth Policy Statement*
- b) **Goal: PLACE MAKERS** – *Enhance existing public places, create new ones, preserve natural and historic places, and maintain our agricultural landscape to define the community for its residents and improve the quality of life for everyone who lives or visits here.*
- c) **Goal: COMMUNITY FABRIC** – *A strong community promotes the City’s appeal to residents, businesses and visitors.*
- d) **Goal: PROSPERITY** – *enable “a diverse, welcoming community where people prosper and business succeeds.”*

2. 2014 Billings Urban Area Transportation Plan

The proposed subdivision adheres to the goals and objectives of the 2014 Transportation Plan and preserves the street network and street hierarchy specified within the plan. Conditions proposed also will address traffic circulation and access to ensure the transportation system in the area functions properly.

3. Billings Area Bikeway and Trail Master Plan

The Billings Area Bikeway and Trail Master Plan identifies a Long Range Bike Lane on Rimrock Road and 62nd Street West but does not identify bike trails inside the proposed subdivision. No new improvements will be constructed by the subdivision, but the development is contributing to right-of-way improvements for Rimrock Road and 62nd Street West and future improvements by the City will address pedestrian and bicycle facilities. The subdivision will be required to install sidewalks along its frontages as the lots develop and this will begin to provide pedestrian facilities in the area.

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 the Community Commercial zoning district. All development shall comply with the standards set forth in Section 27-308, BMCC. Zoning Compliance will be reviewed with the building permits as submitted.

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. It is recommended that the developer work with Yellowstone Electric Coop and MDU to show the needed easements on the final plat. **(Condition #7)**

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 will be provided directly from Rimrock Road and/or 62nd Street West as permitted by Engineering. Approaches shall meet the requirements of the City of Billings site development ordinance. **(Condition #2) (Condition #3) (Condition #4)**

CONCLUSIONS OF FINDING OF FACT

- The preliminary plat for Tule Ridge Subdivision, Amended Plat of Lot 8 of Sunny Cove Fruit Farm, does not create any adverse impacts that warrant denial of the subdivision.
- The proposed subdivision conforms to several goals and policies of the 2016 Growth Policy, and does not conflict with the 2014 Transportation Plan or the Bikeway 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.

Approved by the Billings City Council, January 23, 2017

Thomas W. Hanel, Mayor