

FINDINGS OF FACT

The Planning Staff for the Planning Board has prepared the Findings of Fact for the preliminary plat of Coal Creek Subdivision and has provided them for review by the Billings 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 land to be subdivided was historically used for pasture land and dryland crops. The 39-acre parcel lies south of the Cove Ditch, at the northwest corner of 62nd St. W/Molt Road and Rimrock Road. The property was annexed into the City limits in 2002 along with approximately 200 adjacent acres. Because of the dryland nature, the agricultural lands north of Rimrock Road in this area have become more valuable as residential and commercial properties, and their development may have possibly alleviated some development pressure on irrigated agricultural lands to the south. The Cove Ditch is preserved in an easement, as it passes along the north property line. For these reasons, the development of the subject property should have minimal effects on agriculture and agricultural water user facilities in the area.

2. Effect on local services

- a. **Utilities** – Lots 1 and 2, both zoned RMF, will be served by the 12-inch water main in Rimrock Road. The lot owners will be responsible for installing the water services at the time of lot development.

Lot 3, zoned RMF, Lot 4, zoned RP, and Lot 7, zoned CC, will be served by an 8-inch water main placed within the public water and sewer utility easement within the private internal streets, (Black Thunder Road and Signal Peak Avenue). The 8-inch line will tie into the 12-inch water main at the intersection of Black Thunder Road and Signal Peak Avenue.

Lots 5-6, both zoned RP and Lots 8-17, zoned CC, will be served by a 12-inch water main placed within the public water and sewer utility easement within the private roads. The 12-inch main will run along Black Thunder Road and Signal Peak Avenue tying into the existing 12-inch water main in Rimrock Road and the existing 20-inch water main in Molt Road. All water line installation shall meet City of Billings Public Works Department and Montana DEQ standards, rules, and regulations. This requirement is called out in the SIA under the heading **VI. Utilities.**

- b. **Sanitary Sewer** - Lots 1 and 2 will be served by the existing 18-inch sewer main in Rimrock Road. The lot owner will be responsible for installing a 48-inch manhole along the existing mainline at the time of lot development. The services shall meet City of Billings Public Works Department and Montana DEQ Standards, rules, and regulations.

Lots 3-17 will be served by a minimum 8-inch diameter gravity collection main placed within the interior roads. The collection system will tie into the existing 18-inch sewer main in Rimrock Road by installing a new 48-inch manhole along the existing mainline. Collection system grades and placement will meet City of Billings Public Works Department and Montana DEQ Standards, rules, and regulations. This requirement is called out in the SIA under the heading **VI. Utilities.**

Power, natural gas, telephone, and cable will all be located within the right-of-way and utility easements shown on the plat.

Storm water – Storm drainage shall be provided by a combination of surface drainage, curb and gutters, and storm drain piping and detention ponds. All drainage improvements shall comply with the provisions set forth in Chapter 28, BMCC, and the *Stormwater Management Manual* in place at the time of development. A complete stormwater management plan shall be submitted to the City Engineering Division and Montana Department of Environmental Quality for review and approval at the time of development. This requirement is called out in the SIA under the heading **V. Storm Drainage.**

As part of the proposed storm water drainage system the applicant is proposing to utilize the Birely Drain. During Phase I as stated in the SIA under the heading **V. Storm Drainage**, the applicant will collect water in detention basins and discharge into the Birely Drain. The applicant needs to provide documentation to the City of Billings Engineering Department from the Birely Drain Association stating they are allowed to use the drain. **(Condition #1)**

This subdivision is proposed to be done in phases. The different phases will handle storm water drainage in various ways as outlined in the SIA under **V. Storm Drainage**. This subdivision may be required to participate in the costs of area-wide storm water improvements, and this is acknowledged and included in SIA. **(Condition #2)**

The storm water detention network is to be maintained by the HOA that will be created to maintain the streets within the subdivision as well. The applicant will add a paragraph in the SIA under the heading **V. Storm Drainage** indicating this requirement. **(Condition #3)**

- 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** –All roads within the subdivision shall be privately owned. All streets shall be built in accordance with the City of Billings Engineering site development ordinance. Private roads within the commercial portion of the Subdivision, Black Thunder Road and Signal Peak Avenue, shall be built to

commercial road standards having a minimum width of 44 feet back-of-curb to back-of-curb within an 80 foot right of way.

A right turn lane for west bound traffic off of Rimrock Road will be constructed at the intersection of Black Thunder Road and Rimrock Road.

Private roads within the residential portion of the Subdivision shall be built to residential access standards having a minimum width of 34 feet back-of-curb to back-of-curb within a 56 foot right of way. The residentially zoned lots of this subdivision are anticipated to be either apartment buildings or condominiums. This type of development will require the developer to go through a Master Site Plan review. This review will address zoning, engineering and fire requirements which will include road layout and access into the lots where housing is proposed.

Details of the proposed construction of the streets is outlined in the SIA under **X Phasing Improvements**. Each phase will construct additional roads and infrastructure for the proposed development.

A Traffic Impact Study (TIS) was completed with this proposed development. Impacts to surrounding roads and intersections was identified in the TIS. The intersections and roads that will be impacted with each additional phase are addressed in the SIA. Required contributions for impacted roads and intersections is outlined in paragraph **X. Phasing Improvements**.

The applicant is proposing private roads within the entire subdivision, both in the commercial and residentially zoned areas. An HOA will be created for the purpose of maintaining all internal roads. Lots 1-3, which are residentially zoned lots, will have one HOA and Lots 4-17, which are commercial and residential professional zoned lots, will have an HOA. Each will function separately from the other. This is outlined in the SIA under the heading **XI. Home Owner Associations**

- e. **Emergency services** – The Billings Police and Fire Departments will respond to emergencies within the proposed subdivision. The nearest fire station is located at 54th St. West and Grand Ave. (Station #7). The subdivision is located within the ambulance service area of American Medical Response (AMR). The way the applicant is proposing to phase the development each phase will have a minimum of 2 access points.
- f. **Schools** –School District #2 provides educational services to elementary through high school students. According to the response from School District #2 the schools serving these students will be Boulder Elementary, Ben Steele Middle School, and West High School. School District #2 indicated that Boulder Elementary and West High School are both currently over capacity. Boulder Elementary is substantially over capacity. There are no schools within walking

distance, and bussing would be necessary. There is an existing bus route in the area.

- g. **Parks and Recreation** – Residential subdivisions creating lots with housing densities less than one dwelling unit per ½-acre are required by State and local laws to dedicate 11% of the net land area (or provide an equivalent cash contribution) for parkland. The applicant will be dedicating 2.30 acres of land for the residential portion of the development which is 20.91 acres. The applicant is proposing to have the parkland dedication done by having smaller parks throughout the residential portion of the development. The parkland will be private parks maintained by the HOA. Documents for the HOA and with park maintenance requirements will need to be submitted defining maintenance responsibilities at time of final plat. **(Condition #4)**
- 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. The USPS has asked for centralized mailbox units located on Rimrock Road with a safe pull off area for the postal vehicle and worker. **(Condition #5)**
- i. **Phasing** – The applicant is proposing to develop this subdivision in phases. Phase I includes Lots 1 and 2 of the proposed subdivision. Lots 1 and 2 are lots that are zoned Residential Multi-Family.

Phase II includes Lots 8 through 16 of the proposed subdivision. These lots are zoned Community Commercial.

Phase III includes Lots 4 through 6 and Lots 7 and 17 of the proposed subdivision. Lots 4 through 6 are zoned Residential Professional and Lots 7 and 17 are zoned Community Commercial.

Phase IV includes Lot 3 of the proposed subdivision. Lot 3 is zoned Residential Multi-Family.

Specifics of the proposed phasing and what improvements and contributions will be required with each phase is identified in the SIA under the heading **X. PHASING IMPROVEMENTS**.

3. Effect on the natural environment

The subject property consists of approximately 39 acres of non-irrigated grassland gently sloping to the southeast. A preliminary Geotechnical Investigation Report was performed and submitted for review by Rimrock Engineering. While this report acknowledged the need for additional site-specific reports prior to construction, it provided some general information about the site limitations. A paragraph in the SIA under the heading **Conditions that Run with the Land** notify future lot owners of the need for future geotechnical studies based on proposed specific site development.

4. Effect on wildlife and wildlife habitat

There are no known endangered or threatened species on the property. There is a paragraph 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

The subdivision is located in an area with no known natural hazards.

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 2016 Growth Policy

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

- a. **Essential Investments (relating public and private expenditures to public values):** Neighborhoods that are safe and attractive and provide essential services are much desired (p. 7).
- b. **Strong Neighborhoods (livable, safe, sociable and resilient neighborhoods):** Zoning regulations that allow a mixture of housing types provide housing options for all age groups and income levels. Neighborhoods that are safe and attractive and provide essential services are much desired (p.8).
- c. **Prosperity (promoting equal opportunity and economic advancement)**
A diversity of available jobs can ensure a strong Billings' economy. Successful businesses that provide local jobs benefit the community. (p.9)

2. Urban Area 2014 Transportation Plan

The proposed subdivision adheres to the goals and objectives of the 2014 Functional Class Map and preserves the street network and street hierarchy specified in the plan. It also meets some of the goals of the 2016 City of Billings Growth Policy. In the West Billings Plan this area is identified and an Urban Expansion Area identified as Residential.

3. Billings Area Bikeways and Trail Master Plan

The proposed subdivision lies within the jurisdiction of the Billings Area Bikeways and Trail Master Plan. A 20-foot wide trail dedication along the north side of the Cove Ditch was previously provided. The applicant indicates in the SIA that there will be connections provide from the subject property to the trail across the Cove Ditch. In the SIA the applicant will more specifically identify the location of proposed crossings. **(Condition #6)** It is also encouraged that in the residential area of the proposed development that the applicant provides pedestrian/bike access into the commercial areas of the development. In the SIA the applicant will include language that future development in the subdivision will encourage interconnectedness for pedestrians and bikes between the residential and commercial parts of the development. **(Condition #7)**

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 RMF, CC and RP 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 will coordinate and provided utility easements as requested by MDU and YVEC on the face of the plat. **(Condition #8)**

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 Rimrock Road, 62nd Street West and Molt Road.

CONCLUSIONS OF FINDINGS OF FACT

- The preliminary plat of Coal Creek Subdivision 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 2016 Growth Policy 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 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 Coal Creek Subdivision to the City Council, and adopt the Findings of Fact as presented in the staff report.

Approved by the Billings City Council, March 27, 2017.

Thomas W. Hanel, Mayor