

FINDINGS OF FACT

The Planning Staff, for the Planning Board has prepared the Findings of Fact for the preliminary plat of Lake Hills Subdivision, 35th Filing and has provided them for review by the Billings City, 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 located in the City limits and has been slated for residential development since it was originally platted in 1958. It should not have a negative effect on the agricultural industry.

The BBWA irrigation ditch is located approximately ½ mile northeast of the property. This subdivision does not contain any ditches or water shares, and therefore will not have an effect on agricultural water user facilities.

2. Effect on local services

a. Utilities – Water services will be provided by the County Water District of Billings Heights (CWDBH). Water mains exist within Cherry Hills Road. The developer will continue the 8-inch water main in Cherry Hills Road to the intersection of Cherry Hills Road and Gleneagles Boulevard. The developer will install a 12-inch water main in Gleneagles Boulevard to the northern border of this proposed subdivision. The developer will install a 12-inch water main in Annandale Road along the north edge of the proposed subdivision to the eastern edge of the proposed subdivision. Each lot will have a water stub extended to it for future connection by home owners. New water services installed in the streets and to all of the new lots will be subject to the review and approval of the water district prior to construction.

Sanitary sewer service will be provided by connecting to and extending the existing sewer mains in Cherry Hills Road and extending them north up Gleneagles Boulevard to the northern edge of the proposed subdivision. Sewer connections will be stubbed to each lot for future home owners to connect. New sewer services will be subject to the review and approval of City of Billings Engineering prior to construction.

MDU will provide gas services, and Yellowstone Valley Electric Cooperative will provide electric services to the subdivision. Easements shall be shown on the face of the final plat that are acceptable to these utility providers. **(Condition #1)**

b. Storm water – The City commissioned a storm water management feasibility study approximately eight years ago in order to determine how to best manage the storm water in the greater Lake Hills area. The resultant plan that was adopted by City Council establishes a series of detention ponds on the golf course

- connected by channels which are eventually pumped down to a main pond at the southeastern area of the golf course. This main pond is then used for irrigation of the golf course. All 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 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** – The proposed subdivision fronts Gleneagles Boulevard which is identified on the 2014 Functional Class Map as a principal arterial which requires an 80-foot wide platted right of way. Cherry Hills Road is a local residential street and will be within a 60 foot right of way. Neither road is constructed at this time in this area of Lake Hills Subdivision. The subdivider will construct their portion of Cherry Hills Road to the west and also build Gleneagles Boulevard through their proposed subdivision. Gleneagles Boulevard will be constructed to meet current City standards with a minimum of 49-foot wide back-of-curb to back-of-curb paved street with standard curb and gutter, and boulevard-style sidewalks. Cherry Hills Road will also meet current City standards with a minimum of 34-foot wide back-of-curb to back-of-curb paved street with standard curb and gutter, and boulevard-style sidewalks. The developer will construct Gleneagles Boulevard to connect with the Annandale Road, also a street that has not been constructed. The developer will construct a gravel surface emergency exit road from the north end of Gleneagles Boulevard heading east on Annandale Road and then south to Clubhouse Way. It will be built at a minimum of 20 feet wide and be able to support fire apparatus in all weather conditions. This proposed emergency road is acceptable to City Engineering and City Fire Department in this case.
 - e. **Emergency services** – The Billings Police and Fire Departments will respond to emergencies within the proposed subdivision. The nearest fire station is located at 1601 St. Andrews Drive (Station #6). The subdivision is located within the ambulance service area of American Medical Response (AMR).
 - f. **Schools** – School District #2 provides educational services to elementary through high school students. In the response from School District #2 they state that Eagle Cliffs Elementary School, Castle Rock Middle School, and Skyview High School will serve the children in this subdivision. Comments from SD#2 Administration indicated that Eagle Cliffs Elementary is near capacity with Castle Rock and Skyview able to accommodate more students.
 - g. **Parks and Recreation** – Parkland dedication requirements for this subdivision were met when this subdivision was originally platted in 1958.
 - h. **Mail Delivery** - The United States Postal Service will provide postal service to the subdivision and has requested central delivery site with boxes to serve the new

houses. It is recommended as a condition of approval that the developer obtain a letter from the USPS approving the location of the new centralized mail box site(s) prior to final plat approval. **(Condition #2)**

3. Effect on the natural environment

The subject property has been planned for urban development since its original platting in 1958. A geotechnical evaluation has been completed for the subject property. The geotech study indicates that the sites are underlain by a veneer of dry, fine-grained colluvial soils and relatively shallow sandstone and shale bedrock. As the shale is potentially expansive and the fine-grained colluvial soils are potentially collapsible, the geotech engineers recommend that footings for structures be placed on the sandstone with adequate vertical separation from the underlying shale. When this is not possible, it is recommended that subgrade improvement is implemented. These recommendations will be verified during the building permit process. If these recommendations are followed, the re-platting of these lots should have minimal effects on the natural environment.

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 and antelope in the area, which may cause damage to their landscaping. This subdivision should have a minimal effect on wildlife and wildlife habitat, as it is in an urbanized area.

5. Effect on the public health, safety and welfare

A geotechnical evaluation has been completed and specific recommendations have been added to the final SIA to inform future builders and land owners of structural engineering requirements. 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. 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):** Infill development and development near existing City infrastructure may be the most cost effective (p. 6).
- 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. **Home Base (healthy, safe and diverse housing options)** A mix of housing types that meet the needs of a diverse population is important. (p.9)

d. **Mobility and Access (transportation choices in places where goods and services are accessible to all):** Planning and construction of interconnected sidewalks and trails are important to the economy and livability of Billings (p. 9). On-street bike facilities promote predictability for all users.

2. Urban Area Transportation Plan 2009 Update

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

3. Billings Area Bikeway and Trail Master Plan (BABTMP)

The proposed subdivision lies within the jurisdiction of the BABTMP. There is a Short Range street surface trail identified on Gleneagles Boulevard. The developer will not be required to do more than build Gleneagles Boulevard, the bike lane would be part of the road surface.

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 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 23-302.H.3.e.]

The subject property is located within the R-50 zoning district and 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.]

Easements for utilities will be shown on the final plat as requested by all utility providers.

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 Gleneagles Boulevard.

CONCLUSIONS OF FINDING OF FACT

- The preliminary plat of Lake Hills Subdivision, 35th Filing 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 Map or BABTMP 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 Lake Hill Subdivision, 35th Filing 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