

## **FINDINGS OF FACT**

The Planning staff has prepared the Findings of Fact for the preliminary plat of Falcon Ridge Estates Subdivision, 3<sup>rd</sup> Filing. 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 23-302.H.2.]**

#### **1. Effect on agriculture and agricultural water user facilities**

The subject property is not currently used for agricultural purposes but is vacant land within the subdivision. Cove Ditch runs along the southern border of the land and there is City Park Land along its length. Ditches and drains shall remain in place and not be altered by the subdivider or subsequent owners. The subdivision should not affect agricultural water users' facilities and will not take any agricultural land out of production.

#### **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, a single service to single family home lots and two services to lots proposed to have twin homes built on them. All new water lines and fire hydrants will be installed 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 water service will be provided by an existing 8-inch water line that is in Southern Bluffs Lane and from an existing 8-inch water line in Masters Boulevard. The extension of these lines will provide a looped system in the new filing.

Sanitary sewer service will be provided by connecting to the existing City of Billings' sewer mains. There is an existing 8-inch sanitary sewer stub located in Southern Bluffs Lane and one in Masters Boulevard. The subdivider will install new sewer mains in the local streets and individual services for each lot, or two services to a single lot where a twin home is proposed to be constructed, in accordance with design standards, specifications, rules and regulations of the City of Billings Public Works Department and MDEQ.

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.

**Stormwater** – Stormwater drainage for the public streets is proposed to be provided by curb and gutters that discharge into storm water pipes and eventually

to a detention pond in the southwest corner of this filing. The storm detention facility was put in place with the 2<sup>nd</sup> Filing of Falcon Ridge Estates and was designed to handle storm runoff from both the 2<sup>nd</sup> and 3<sup>rd</sup> Filings. 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 City Engineering Department. A Home Owners Association (HOA) will be created and will be responsible for maintenance of the proposed storm water drainage system. The applicant will place an easement over the storm water drainage system that will allow City Engineering to repair and maintain the system and create an SID to cover costs should the HOA fail to do so. An updated Stormwater Report will be submitted and approved by City Engineering before final plat. **(Condition #1)**

- b. **Solid waste** – The City of Billings will provide solid waste collection and disposal. The City’s landfill has adequate capacity for this waste.
- c. **Streets** – The applicant will be installing new roads in this filing. Southern Bluffs Lane and Falcon Ridge Circle, both will have a 56 foot right of way width. Southern Bluffs Lane and Falcon Ridge Circle shall all be 34 feet back of curb to back of curb and shall be built to City of Billings street standards. They shall be built to grade with a satisfactory subbase, base course, curb and gutter with asphalt surface. The applicant will be installing sidewalks along park land frontages and will install handicap accessibility ramps at the time of private contract for construction of roads. All sidewalks will be boulevard type sidewalks as outlined in subdivision regulations. Each home owner will be required to install the sidewalk with lot development.

There is a section of Southern Bluffs Lane that was platted with Falcon Ridge Estates 2<sup>nd</sup> Filing, that the applicant is proposing to connect to with the 3<sup>rd</sup> Filing. To make this connection the applicant will be putting a road through a strip of parkland that was dedicated to the City of Billings with the 1<sup>st</sup> Filing. In this staff report under the heading Parks and Recreation there is an explanation of what is proposed.

A Traffic Impact Study (TIS) has been submitted with previous filings that included the proposed 3<sup>rd</sup> filing. Updates to the TIS have been provided to City Engineering. Intersection improvements identified in the TIS will provide a cash contribution as outlined in the SIA under III Transportatoin D. 1. 3 prior to final plat approval.

- d. **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).

- e. **Schools** –School District #2 provides educational services to elementary through high school students. Schools serving these students are Boulder Elementary, Ben Steele Middle School, and West High School. At the time of the writing of this staff report there was no response from the schools or district. From previous subdivisions in the area Arrowhead Elementary was over capacity, while the other schools were below, but near capacity. Also, the subdivision is currently on a bus route.
  
- f. **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. With 35 residential lots being created with this filing the required parkland acreage would be 0.808 acres. In the previous two filings of Falcon Ridge Estates Subdivision they have provided 8.12 acres of park land, the previous two filings were required to provide 4.92 acres. The subdivision has provided 3.2 acres more parkland than required by subdivision regulations. With the third filing there will not be any additional parkland required from the developer.

Outlined earlier in this staff report it was pointed out that there is a section of Southern Bluffs Lane that was platted with Falcon Ridge Estates 2<sup>nd</sup> Filing, the applicant is proposing to make a connection to that road with the 3<sup>rd</sup> Filing. To make this connection the applicant will be putting a road through a strip of parkland that was dedicated to the City of Billings Parks Department with the 1<sup>st</sup> Filing. In the SIA it is proposed that there will be a land swap to get the road through the existing park land. The applicant is proposing to provide a 4,846 square foot parcel of land in exchange for the new right of way through the existing parkland. The amount of land that will be used to provide a new right of way to connect Southern Bluffs Lane is 3,794 square feet. The proposed land exchange has been reviewed and approved by the City Parks Department.

- g. **Mail Delivery** - The United States Postal Service will provide postal service to the subdivision and has indicated that centralized mailbox units will be required. They have requested the centralized mailbox be placed on the corner of Masters Boulevard and Southern Bluffs Lane. It needs to be placed a safe distance from the intersection to not create a traffic issue with the intersection. It will also need to provide enough space for the mail delivery person to be able to safely stop along the road edge. The developer will need to coordinate mailbox location with the postal service. **(Condition #2)**

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

The subject property is vacant property that has been planned for urban development. The property generally slopes to the south toward the Cove Ditch.

There is geotechnical study information outlined in the SIA under the heading IX. Soils/Geotechnical Study.

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 paragraph in the SIA that warns future lot owners of the presence of wildlife 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 will be no 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 City of Billings 2016 Growth Policy, the 2014 Transportation Plan, 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:

**Strong Neighborhoods (livable, safe, sociable and resilient neighborhoods):** Neighborhoods that are safe and attractive and provide essential services are much desired (p.8). Zoning regulations that allow a mixture of housing types provide housing options for all age groups and income levels. (p.8)

**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) Planning and construction of interconnected sidewalks and trails are important to the economy and livability of Billings.

**2. Urban Area Transportation Plan 2014 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 Bikeways and Trail Master Plan**

The proposed subdivision lies within the jurisdiction of the Billings Area Bikeways 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.

There is a short term bike lane identified along Rimrock Road but this subdivision is not required to construct any trails on Rimrock Road.

**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-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 Southern Bluffs Lane, and Masters Boulevard.

**CONCLUSIONS OF FINDINGS OF FACT**

- The preliminary plat of Falcon Ridge Estates Subdivision, 3<sup>rd</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 2016 Growth Policy 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 Falcon Ridge Estates Subdivision, 3<sup>rd</sup> Filing to the City Council, and adopt the Findings of Fact as presented in the staff report.