

FINDINGS OF FACT

The Planning staff has prepared the Findings of Fact for the preliminary plat of Amended Lots 7-17, Coal Creek Subdivision. 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 land to be subdivided was historically used for pasture land and dryland crops. The 14-acre parcel lies south of the Cove Ditch, at the northwest corner of 62nd St. West and Rimrock Road. The property was annexed into the City limits in 2002 along with approximately 200 adjacent acres. 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 to the north of this proposed subdivision. 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** – All lots will be served by city water lines in the area. Lots 5-A and 6-A, will be served by the 12-inch water main in Signal Peak Avenue tying into the existing 20-inch water main in 62nd Street. This water line will be placed in a public utility easement. The lot owners will be responsible to connect to the water lines at the time of lot development.

Lot 2-A and 4-A will be served by the existing 20-inch water main in 62nd Street West with private service connections. Lots 1-A and 3-A will be served by an existing 12-inch water main in Rimrock Road with private service connections.

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** – All lots will be served by city sewer lines in the area. Lots 5-A and 6-A, will be served by an 8-inch public sewer main within the public water and sewer main utility easement. The 8-inch sewer line will be placed along Signal Peak Avenue tying into an existing 18-inch sewer main in 62nd Street West. The lot owners will be responsible to connect to the water lines at the time of lot development.

Lot 2-A and 4-A will be served by the existing 18-inch sewer main in 62nd Street West with private service connections. Lots 1-A and 3-A will be served by an existing 18-inch sewer main in Rimrock Road with private service connections.

The services shall meet City of Billings Public Works Department and Montana DEQ Standards, rules, and regulations.

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.

- c. **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.

This proposed subdivision will use a series of small detentions areas in addition to the community stormwater detention area located on Lot 2 of Coal Creek Subdivision. The community detention facility will collect runoff from the Coal Creek Subdivision and the Amended Lots 7-17 Coal Creek Subdivision. It will be conveyed to the Birely Drain. With the original filing the previous applicant provided documentation to the City of Billings Engineering Department from the Birely Drain Association stating they are allowed to use the drain as historically done and at historic rates of flow. This development will be part of the original agreement for stormwater discharge into the Birely Drain.

This subdivision may be required to participate in the costs of area-wide storm water detention facility, this is acknowledged and included in SIA under the heading of V. Storm Drainage B, a.

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. **(Condition #1)**

The SIA states under the heading IX. Infrastructure Improvements that they will be installing the infrastructure not all at once but as the land develops and there is a demand for the infrastructure. There is a mix of language that refers to what will be built initially and what will be built at a later time using phasing and restricting lot sales. There are also contributions outlined in this section that the developer will be required to contribute to offset impacts to existing roadways.

This does not follow the subdivision regulations for infrastructure installation. It needs to be either phasing of development which requires more documentation, certificates and releases, with dates the phases will be released or install the infrastructure entirely or install what is needed first and bond or provide an irrevocable letter of credit for the remaining infrastructure. The applicant, with input from City Planning and Engineering, will reformat this section of the SIA to meet the requirements of subdivision regulations. **(Condition #2)**

- d. **Solid waste** – The City of Billings will provide solid waste collection and disposal. The City’s landfill has adequate capacity for this waste.
- e. **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 standards. The private road within the commercial portion of the Subdivision, 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. The applicant in the SIA under III Transportation A. Streets, at the last bullet point states they will be building the southern half of that street. They will be required to build a minimum of 30-foot asphalt width of that street as required by Engineering regulations. **(Condition #3)**

The applicant is proposing two accesses off of Rimrock Road into the proposed subdivision. One is proposed to be 370 feet west of the intersection of 62nd Street West and Rimrock Road and the second one is proposed to be 650 west of the same intersection. They are also proposing two accesses from 62nd Street West into the proposed subdivision. One is proposed to be 650 feet north of the intersection of 62nd Street West and Rimrock Road and the second one is proposed to be 1,020 feet north of the intersection of the same intersection. In the SIA under the heading E. Access, 62nd Street West it says ‘Two full movements’ and sentence b, it says ‘The Second full movement access is approximately 650 ft north of the 62nd Street West and Rimrock Road intersection.’ That access will only be a $\frac{3}{4}$ access as stated earlier in the SIA in the Streets Section. **(Condition #4)**

A Traffic Impact Study (TIS) was submitted for this subdivision and will be reviewed and approved by the City of Billings Engineering Division to determine if all the accesses are acceptable and what type of accesses they will be. **(Condition #5)**

The TIS also identified impacts to surrounding roads and intersections. The intersections and roads that will be impacted with each additional phase are addressed in the SIA. Required contributions for impacted roads and intersections have been outlined in paragraph III Transportation D. Those contributions will be reviewed and approved by the City of Billings Engineering Division to determine if they are correct. **(Condition #5)**

The applicant will be constructing the north half of Rimrock Road to a collector standard that will include asphalt, curb, gutter, sidewalks and storm drainage improvements. A cash contribution will be given for improvements on 62nd Street west. The contribution will be for the same improvements as along Rimrock Road but the improvements will take place at a later date. Internal circulation roads will be constructed as required by development. All internal roads will be private.

- f. **Emergency services** – The Billings Police and Fire Departments will respond to emergencies within the proposed subdivision. The nearest fire station is located at 1501 54th St. West, Station #7. The subdivision is located within the ambulance service area of American Medical Response (AMR).
- g. **Schools** –School District #2 provides educational services to elementary through high school students. Because this is a commercial subdivision there will be no students added to the schools in the area.
- h. **Parks and Recreation** – Commercial subdivisions are not required to provide parkland.
- i. **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 west of 62nd Street West with a safe pull off area for the postal vehicle and worker. **(Condition #6)**

3. Effect on the natural environment

The subject property consists of approximately 14 acres of non-irrigated grassland gently sloping to the southeast. A preliminary Geotechnical Investigation Report was performed, by Rimrock Engineering, and submitted for review. 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 City of Billings 2016 Growth Policy, the 2014 Billings Urban Area Transportation Plan and the Billings Area Bikeway and Trail Master Plan Update? [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):** Neighborhoods that are safe and attractive and provide essential services are much desired (p. 7).
- b. **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. 2014 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. The western part of the original subdivision is all residential.

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

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 by other subdivisions north of this property. It is encouraged that the applicant provides pedestrian/bike routes out of the commercial areas of this proposed development.

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 CC 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 #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 23-302.H.3.c.]

Legal and physical access is provided to the proposed lots from Rimrock Road, 62nd Street West.

CONCLUSIONS OF FINDINGS OF FACT

- The preliminary plat of Amended Lots 7-17, 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

The Planning Board recommend conditional approval of the preliminary plat of Amended Lots 7-17, 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, June 25, 2018

William A. Cole, Mayor