

FINDINGS OF FACT

The Planning staff has prepared the Findings of Fact for the preliminary plat of Grand Peaks Subdivision, 5th Filing. These findings are based on the preliminary plat application and supplemental documents; addressing 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 was formerly farmland. There are no existing irrigation facilities on the subject property. The proposed subdivision will not have an impact on existing agricultural areas because it was previously platted and this proposed subdivision will re-plat large lots from previous filings. There is no anticipated negative effect on agricultural irrigation facilities or agriculture from this proposal.

2. Effect on local services

- a. **Utilities** – Water service will be provided by the City of Billings. The developer will connect to existing 8-inch water lines in West and East Thunder Mountain Roads. New water mains will be in all of the new local streets, new individual services to all of the lots, and new fire 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).

The water lines will create a looped system wherever possible to maintain equal water pressures throughout the development as the subdivision is constructed as outlined in the SIA under the heading VI Utilities A. Water.

Sanitary sewer service will be provided by the City of Billings. This filing of the subdivision will have 8-inch sewer mains connecting to existing 8 inch lines already in the subdivision in West and East Thunder Mountain Roads. The subdivider will install new sewer mains in the local streets and individual services for each lot in accordance with design standards, specifications, rules and regulations of the City of Billings Public Works Department and MDEQ as outlined in the SIA under the heading VI Utilities B. Sanitary Sewer.

Private utility companies will provide gas and electric services to the subdivision. Easements have been shown on the face of the plat that are acceptable to these utility providers.

- b. **Storm water** – Storm water drainage is to be handled by curb and gutters that discharge into storm drainage piping as well as surface conveyance in some areas. The storm drainage pipes will discharge into a detention area located in a private

park, within the fifth filing. This will be maintained by the HOA for the fifth and sixth filings of this subdivision. These and all other 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 Division.

In the SIA under the heading V. Storm Drainage, third paragraph the applicant will also be making a proportionate share toward the cost of a drainage system in Grand Avenue to convey storm water from the subdivision.

- 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 internal streets are to be built to City standards providing the required road width, curb/gutters, and boulevard sidewalks. They will be built to meet the requirements of the City of Billings Engineering Division; they shall be reviewed and approved by the City of Billings Engineering Division before any construction.

The applicant in the SIA under the heading III Transportation A. 2, third paragraph, stated that the TIS has identified the need for a westbound right-turn lane at the intersection of Grand Avenue and Grand Peaks Drive. The proposed turn lane will be reviewed and approved by City of Billings Engineering before construction.

A TIS has been submitted with each previous filing of the subdivision. As the filings get built out the number of trips change and the impacts of the surrounding roads and intersections change. The applicant will provide all TIS information and updates as needed by City of Billings Engineering division prior to final plat approval. **(Condition #1)**

- e. **Emergency services** – The Billings Police and Fire Department will respond to emergencies within the proposed subdivision. The fire station that services this area is located at 604 S. 24th St. West (Station #5). The applicant will be installing fire hydrants at the required locations to meet regulations outlined in Fire Code.

The Billings Police noted in comments that “continued development will eventually require additional resources to maintain current levels of service”.

The subdivision is located within the ambulance service area of American Medical Response (AMR).

- f. **Schools** –School District #2 will provide educational services to elementary through high school students. Meadowlark Elementary, Ben Steele Middle School and West High School would serve students in this subdivision. A

response from School District #2 indicates that schools are currently over capacity.

- g. **Parks and Recreation** – Parkland for this subdivision is 2.02 acres, this is the total amount required for both the 5th and 6th Filings. It will be a private park maintained by the HOA. The subdivider will install turf and irrigation. Lot owners in this subdivision are also subject to inclusion in the PMD for the regional park, Cottonwood Park.
- h. **Mail Delivery** - The United States Postal Service will provide postal service to the subdivision; they have indicated centralized box units (CBU) will be required. The postal service has requested a CBU be installed on the corner of Iron Mountain Road and 54th Street West. The requested CBU location from the USPS is a location that will exist with the 6th filings but not the 5th filing. The applicant will work with the USPS to determine a satisfactory location for the CBU with this filing. (**Condition #2**)

3. Effect on the natural environment

The subject property was originally farmland and is not a significant habitat for wildlife. Montana Fish Wildlife and Parks indicates there is some antelope and deer grazing that takes place but not a significant amount. During development, storm water pollution prevention best management practices are required 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 notifies future lot owners of the presence of wildlife habitat in the area, and wildlife indigenous to the area may cause damage to their landscaping or interface with domestic animals, residents, and visitors. This subdivision should have a minimal effect on wildlife and wildlife habitat.

5. Effect on the public health, safety and welfare

There should be no impacts to public health, safety and welfare because 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 76-3-210, MCA.

C. Does the subdivision conform to the Yellowstone County-City of Billings 2016 Growth Policy, the 2018 Urban Area Transportation Plan 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:

Strong Neighborhoods (livable, safe, sociable and resilient neighborhoods): Neighborhoods that are safe and attractive and provide essential services are much desired (p.8).

Home Base (healthy, safe and diverse housing options) Homes that are safe and sound support a healthy community

Community Fabric (attractive, aesthetically pleasing, uniquely Billings) Outdoor public spaces provide casual and relaxing gathering areas for people.

The 2001 West Billings Plan identifies this area as residential. The proposed subdivision is for residential development.

2. 2018 Urban Area Transportation Plan

The proposed subdivision adheres to the goals and objectives of the 2018 Transportation Plan and preserves the street network and street hierarchy specified in the plan.

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

The proposed subdivision lies within the jurisdiction of the BABTMP. There is a future bike lane identified on 54th Street West. That lane is to be added at a future date when the road is built out to its full width. There is currently a 10-foot wide trail constructed on the west side of 54th Street West along that subdivision frontage.

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 complies with current zoning and further compliance requirements will be enforced with the construction of homes on lots.

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 the private utility companies 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 East and West Thunder Mountain Roads, and the new proposed internal roads.

CONCLUSIONS OF FINDINGS OF FACT

- The preliminary plat of Grand Peaks Subdivision, 5th 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 Plan or Billings Area Bikeways 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.

RECOMMENDATION

The Planning Board recommends conditional approval of the preliminary plat of Grand Peaks Subdivision, 5th Filing to the City Council, and adopt the Findings of Fact as presented in the staff report and the SIA.

Approved by the Billings City Council, December 16, 2019

William A. Cole, Mayor