

FINDINGS OF FACT

The Planning staff has prepared on behalf of the Yellowstone County Board of Planning the Findings of Fact for the preliminary plat of Sartorie Subdivision and has provided them for review by the 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 subject property is farmland currently located outside the City limits. The owners are currently going through the process of annexation to bring the property into the City Limits. The BBWA Ditch runs along the eastern edge of the property. According to the BBWA, the ditch is within an easement alongside Hawthorne Lane (Recorded ditch easement Volume U of Deeds on page 551 Plat Book 45). As the ditch travels north, it angles to the west through the property north of the subject property and then again turns north to Barrett Road. There will be not water rights transferred to the new subdivision and the BBWA ditch will remain intact for users downstream.

Though this subdivision will not have water rights or shares from the ditch, there is property to the north east that does. This subdivision will not alter the course of the BBWA ditch.

2. Effect on local services

- a. **Utilities** – Water service will be provided by the County Water District of Billings Heights (CWDBH). The developer will install a new water main from Kyhl Lane up Sartorie Lane. New individual services to all of the lots, and new fire hydrants will be provided in accordance with design standards, specifications, rules and regulations of the CWDBH, Billings Fire Department, and the Montana Department of Environmental Quality (MDEQ).

Sanitary sewer service will be provided by connecting to the existing City of Billings' sewer main in Kyhl Lane. 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.

MDU will provide gas services and Northwestern Energy will provide electric services to the subdivision. Easements must be shown on the face of the plat. The utilities have requested a 10 foot wide utility easement on the front lot lines. **(Condition #1)**

- b. **Storm water** – Storm water drainage for the public streets is proposed to be provided by curb and gutters that discharge into storm water pipes and eventually to the detention pond on the south west corner of the proposed subdivision. That water will then discharge through a new storm drain pipe that will connect to a new manhole in Kyhl Lane. The detention pond will be dedicated to the City of Billings as additional right-of-way adjacent to Kyhl Lane. Mowing and weeding of the pond

will be performed by the Sartorie Subdivision HOA association. These and all other drainage improvements shall also 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.

- 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** – Hawthorne Lane from Kyhl Lane north to Barrett Road is not a dedicated county road and there is no public easement for this section of Hawthorne Lane. The initial concept for this subdivision took access from Hawthorne Lane and also some of the utilities were going to connect from Hawthorne Lane. When it was discovered that this section of Hawthorne Lane is not a public road, the Sartorie Subdivision layout had to be revised to take access off of Kyhl Lane and obtain utilities from a public right-of-way. Kyhl Lane is a city public right-of-way that has not been built to City standards. The lots within the subdivision will be served by one main entry street off of Kyhl Lane on the south. Kyhl Lane at this location is currently an unpaved street and does not connect to Hawthorne Lane to the east. This subdivision will pave a portion of Kyhl Lane right-of-way from Hawthorne Lane to the proposed Sartorie Lane. This will require crossing the BBWA irrigation ditch that runs along the east edge of the proposed Sartorie Subdivision. All streets shall be built to city standards and approved by City Engineering before construction. The future plan for this subdivision is to ultimately connect to Barrett Road with future phases as well as make a connection to the west when future development occurs on the property to the west.
- e. **Emergency services** – The Billings Police and Fire Departments will respond to emergencies within the proposed subdivision. The subdivider will be required to install fire hydrants in the locations required by the City Fire Department. 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. Schools serving these students are Bitterroot Elementary, Castle Rock Middle School, and Skyview High School. Staff received a comment from Skyview High School stating it has capacity for more students and has an established bus route in the area. The district is beginning the process of constructing a new middle school just west of this property to handle growth and school capacity issues.
- 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. In this first filing, the 11% requirement amounts to 0.221 acres. The applicant will be making a cash contribution instead of a park land dedication. The

Parks, Recreation and Public Lands Department is in agreement with the cash contribution proposal.

- h. **Mail Delivery** - The United States Postal Service will provide postal service to the subdivision and has indicated individual mailboxes at each home will be required.

3. Effect on the natural environment

The subject property is in an area that will most likely experience an increase in development with the proposed new middle school being built nearby. The property has been used for farming for many years with suburban and urban development slowly occurring around it. The farming that has taken place on the property for years changed the natural environment that was once there. During development, storm water pollution prevention plan is required to be used and monitored to prevent erosion on exposed ground. These provisions should help balance any impacts on the natural environment.

4. Effect on wildlife and wildlife habitat

There are no known endangered or threatened species on the property. Because of the farming activity, wildlife habitat would be limited to the perimeter near the ditches and in the trees scattered about the property, although the farm activity may have provided grazing for deer in the area. There is a note in the SIA that warns future lot owners of the presence of deer and turkey 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

Based on the provision for emergency services, as discussed above, there are no anticipated effects on public health, safety and welfare resulting from this subdivision. Individual geotechnical surveys will be completed prior to home construction to ensure that foundations are built to accommodate for expanding soils and any other concerns.

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 Bikeways and Trail Master Plan? [BMCC 23-302(H)(4)]

1. Yellowstone County-City of Billings 2008 Growth Policy

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

- a. Goal: More housing and business choices within each neighborhood (p. 6).
- b. Goal: New developments that are sensitive to and compatible with the character of adjacent City neighborhoods and County town sites (p. 6).

- c. Goal: Safe, functional, and attractive streets for all users, including drivers, bicyclists and pedestrians (p. 13).

2. Urban Area Transportation Plan 2009 Update

The proposed subdivision adheres to the goals and objectives of the 2009 Transportation Plan Update 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 Bikeway and Trail Master Plan. There is a trail corridor to the west of the subdivision along the Holling Drain called the Kiwanis Trail. Hawthorne Lane is planned to have bike lanes and the Kiwanis Trail extends from Mary Street to Lake Elmo Drive, connecting homes to businesses and schools. The Kiwanis Trail is planned for further extension north. Providing multi-use trail connectivity between Hawthorne Lane, the proposed subdivision, and the Kiwanis Trail would aid in safe travel for people riding bicycles or walking. Trail connections can also provide an amenity for home-owners and residents of this new neighborhood. Future development of this subdivision to the north opens an opportunity to participate in creating trail corridors for the neighborhood. No trail improvements are planned within the subdivision at this time.

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 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. Proposed conditions of approval will ensure compliance with local and state regulations, including the requirement to lift the ag-restriction on the property prior to final plat approval (**Condition #2**).

E. Does the proposed subdivision conform to all requirements of the zoning in effect? [BMCC 23-302(H)(3)(e)]

The subject property is zoned Residential-7000 (R-70). The lot sizes within this first filing conform to the requirements of zoning. Further 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 is required to provide utility easements as requested by MDU and NW Energy on the face of the plat (**Condition #1**).

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 Kyhl Lane.

CONCLUSIONS OF FINDINGS OF FACT

- The preliminary plat of Sartorie 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 2008 Growth Policy Update 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 Sartorie Subdivision to the City Council, and adopt the Findings of Fact as presented in the staff report.

Approved by the Billings City Council, June 23, 2014

Thomas W. Hanel, Mayor