

FINDINGS OF FACT

The Planning Board has prepared the Findings of Fact for the preliminary plat of Sartorie Subdivision, 2nd 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 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 Hawthorn 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 not be 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 northeast 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 connect to lines installed in Sartorie Road with the 1st Filing, and those line connect to a water main in Kyhl 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 sewer lines in Sartorie Subdivision, 1st Filing, which connected to the 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 are shown on the face of the plat for these utilities. The utility companies have requested an 8-foot-wide utility easement on the front lot lines.

- 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 southwest corner of the Sartorie Subdivision, 1st Filing.

That water will then discharge through a storm drain pipe that is connected to a manhole in Kyhl Lane. There is proposed to be a temporary detention pond on the north end of Sartorie Road to collect runoff from Sartorie Road north of Jordyn Circle. A permanent detention facility will be created with future filings of the subdivision. 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** – This filing will construct new roads to meet all City of Billings road standards. There will be a continuation of Sartorie Road and a new cul-de-sac, Jordyn Circle, constructed. Sartorie Road connects to Kyhl Lane, a City public right-of-way, that is not completely built to City standards. This filing will pave a portion of Kyhl Lane right-of-way from the west edge of Sartorie Road to Brewington Drive. 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 filings as well as make a connection to the west should future development occur 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, Medicine Crow Middle School, and Skyview High School. Staff did not receive any comments from the schools but in the previous filing a response from School District 2 stated that there is capacity for more students and the school has an established bus route in the area.
- 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 filing, the 11% requirement is 0.19 acre. The applicant will be making a cash contribution for 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, staff did not receive any comments back from the USPS. It would be anticipated that the USPS would require the same as the previous filing which was

individual mailboxes at each home. The applicant will need to consult with the USPS to determine what will be required. **(Condition #1)**

3. Effect on the natural environment

The subject property is in an area that will most likely experience an increase in development with the new middle school 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 a stormwater 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 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. The SIA include a statement in the Conditions That Run with The Land that caution about the possibility of high ground water and the need to include water table information in the Geotechnical study.

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 Urban Area Transportation Plan 2014 Update and the Billings Area Bikeways 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) Neighborhoods that are safe and attractive and provide essential services are much desired (p. 7).

- 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). Implementation of the Infill Policy is important to encourage development of underutilized properties. (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)

2. Urban Area Transportation Plan 2014 Update

The proposed subdivision adheres to the goals and objectives of the 2014 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.

4. Billings Heights Neighborhood Plan

The proposed subdivision does meet some goals of this plan, specifically ‘To encourage infill development and housing development that meets residents’ desire to have similar housing within their neighborhood’. Also ‘To provide safe, good quality and affordable housing in the Heights’.

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 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 #3**)

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 Sartorie Road that connects to Kyhl Lane.

CONCLUSIONS OF FINDINGS OF FACT

- The preliminary plat of Sartorie Subdivision, 2nd 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 Update. It does not conflict with the Transportation or Bikeway/Trail Plans and does meet some goals of The Billings Heights Neighborhood 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 Sartorie Subdivision, 2nd Filing to the City Council, and adoption of the Findings of Fact as presented in the staff report.

Approved by the Billings City Council, July 24, 2017

Thomas W. Hanel, Mayor