

## FINDINGS OF FACT

The Planning staff has prepared the Findings of Fact for the preliminary plat of High Sierra Subdivision, 12<sup>th</sup> Filing and has provided them for review by the Planning Board, 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 currently used for dryland pasture by the Dover Ranch operation to the north. It, along with approximately 375 additional acres, was annexed by the City and rezoned for single-family residential uses in 2007. It is adjacent to similar residential uses to the south and east and will provide housing in an area that is not particularly productive for agriculture. It should not have a negative effect on the agricultural industry.

The BBWA irrigation canal is located approximately 3/4-mile northeast of the property. This subdivision does not contain any ditches or water shares, and therefore will not have an effect on agricultural water user facilities.

### **2. Effect on local services**

- a. Utilities** – There are existing 8-inch water mains in Owen Street and Rancho Vista Avenue that will be extended to serve the new lots. The water lines will be looped at all possible locations within the subdivision to equalize pressure. Pressurized fire hydrants will also be extended. The improvements are subject to the review and approval by City of Billings Engineering Division and the City Fire Department before time of construction. As proposed, City Engineering finds that the water main extensions are acceptable.

Sanitary sewer service will be provided by the City of Billings by connecting to the existing 8-inch sewer main in Owen Street and one 8-inch sanitary sewer located in Rancho Vista Avenue. All proposed infrastructure will be reviewed and approved prior to installation by the City of Billings Public Works Department. **(Condition #1)**

MDU will provide gas services, and Yellowstone Valley Electric Cooperative will provide electric services to the subdivision. Easements will need to be shown on the face of the plat that are acceptable to these utility providers. **(Condition #2)**

- b. Storm water** – A storm water master plan was reviewed in June 2008 for this proposal. In general, storm drains and piping will be installed to carry water to the north and east to a detention pond located within the overall master planned area (area covering High Sierra Subdivision 5<sup>th</sup>-12<sup>th</sup> filings). This and all other drainage improvements shall satisfy the criteria set forth by the most-current *City of Billings Stormwater Management Manual* and will be subject to review and approval by the Engineering Division. Additionally, a Stormwater Pollution Prevention Plan (SWPPP) will be required of the developer and construction contractors prior to site disturbance to ensure that storm drain facilities are not compromised during site and home construction. **(Condition #1)**

- 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** –The proposed subdivision will be accessed from existing Rancho Vista and Owen Street. With a new cul-de-sac off of Rancho Vista, Acacia. They will be built to City standards at 34 feet wide, with curb, gutter and boulevard-style sidewalks, all within 56-foot rights-of-way. They will be built to current City of Billings Engineering standards.

A Traffic Impact Study (TIS) was completed for the entire High Sierra Subdivision master plan area at the time of the 5<sup>th</sup> Filing in June of 2008. This study was updated to analyze the specific impacts of the 12<sup>th</sup> Filing in July of 2018. Three area intersections were identified as being affected by the High Sierra Subdivision; Wicks Lane/Gleneagles Boulevard, Wicks Lane/Fantan Street, and Wicks Lane/St. Andrews Drive. Based on the updated findings, it was determined that the developer shall contribute toward the total cost of the improvements planned for these three intersections. As indicated in the Subdivision Improvement Agreement (SIA) those contributions shall be calculated and made prior to final plat approval.

- e. **Emergency services** – The Billings Police and Fire Departments will respond to emergencies within the proposed subdivision. The nearest fire station is located at 1601 St. Andrews Drive (Station #6) about 2.5 road miles to the southeast. The subdivision is located within the ambulance service area of American Medical Response (AMR).
- f. **Schools** – School District #2 provides service to elementary, middle and high school students, Eagle Cliff elementary, Castle Rock Middle School, and Skyview High School. The district states that there is capacity in all the schools for additional students.
- g. **Parks and Recreation** – The parkland dedication requirement for this subdivision amounts to 1.4 acres. The subdivider proposes to provide cash in lieu of parkland for this filing of the subdivision. The nearest park to this property is south and east of the property at the end of Del Mar Street. This City park is not yet developed.
- h. **Mail Delivery** - The United States Postal Service will provide postal service to the subdivision. With previous filings the developer provided centralized delivery facilities and the same is proposed for this filing. The developer will consult with the USPS prior to placement of the centralized mail boxes.

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

The subject property is relatively level prairie land adjacent to urban development on its south and east sides. A geotechnical evaluation was done for the proposed subdivision in July of 2018, to investigate soil, rock, and groundwater conditions and provide recommendations to support design and construction of foundation and drainage elements. In the conditions that run with the land in the SIA there is a paragraph notifying the future lot owner there may be limitations or special requirements of the lot that should be investigated before construction on the lots.

#### **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 and antelope in the area, which may cause damage to their landscaping. This subdivision should have a minimal effect on wildlife and wildlife habitat, as it is in an area that is rapidly urbanizing.

#### **5. Effect on the public health, safety and welfare**

The subdivision is located in an area with no known natural hazards. Fire hydrants will be constructed to meet fire department requirements. Sidewalks will offer a safe place for pedestrians to walk. The effects on public health and safety should be minimal.

#### **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 Growth Policy Statements and Guidelines:

**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. 2014 Billings Urban Area Transportation Plan**

The proposed subdivision adheres to the goals and objectives of the Transportation Plan 2014 Update and preserves the street network and street hierarchy specified in the plan.

##### **3. Billings Area Bikeway and Trail Master Plan Update (BABTMP)**

The proposed subdivision lies within the jurisdiction of the BABTMP. The Plan shows a future bike lane along High Sierra Boulevard, east of the proposed filing. This would be constructed at the time of further development of High Sierra Boulevard and not as part of this filing.

**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 conforms 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 the R-70-R zoning district. All development shall comply with the standards set forth in Section 27-308, BMCC. Final zoning compliance will be determined at the time of the building permit.

**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 shall provide utility easements as requested by the City, 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 the extension of Rancho Vista and Owen Street, both local streets to be dedicated to the public as shown on the plat. Both of the above named streets have access that originates off of Benjamin Boulevard to the south. This street is already constructed for local traffic.

**CONCLUSIONS OF FINDINGS OF FACT**

- The preliminary plat of High Sierra Subdivision, 12<sup>th</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 and Trail plans.
- The proposed subdivision complies with state and local subdivision regulations, local zoning, 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 High Sierra Subdivision, 12<sup>th</sup> Filing to the City Council, and adopt the Findings of Fact as presented in the staff report.