

## **FINDINGS OF FACT**

The Planning staff has prepared the Findings of Fact for the preliminary plat of Founders Park 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 subject property is currently vacant land with native vegetation. It is adjacent to residential uses to the west, north and future residential to the east, Emma Jean Heights Subdivision. It will provide housing in an area that is not used for agriculture. It should not have a negative effect on the agricultural industry.

The BBWA irrigation canal is located on the eastern edge 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 is an existing 8-inch water main in Hawthorne Lane that the developer will be connecting to for serving the new subdivision. The developer will install an 8-inch water line in the proposed subdivision. It will be looped to equalize water pressure throughout the subdivision. Pressurized fire hydrants will also be installed in the subdivision as requested by the Billings Fire Department. Each lot will have a water line stub to it appropriately sized for residential service. These improvements are subject to the review and approval by County Water District of Billings Heights and the City Fire Department before time of construction. This requirement is pointed out in the SIA under the heading VI. Utilities A. Water.
- b. Sanitary sewer service** will be provided by connecting to a public sanitary sewer system. Appropriately sized mains in the internal streets will provide service to the individual lots in the subdivision. All proposed infrastructure will be reviewed and approved prior to installation by the City of Billings Public Works Department and the Montana Department of Environmental Quality. This requirement is pointed out in the SIA under the heading VI. Utilities B. Sanitary Sewer.

MDU will provide gas services and Northwest Energy will provide electric services to the subdivision. The applicant is proposing easements for all private utilities outside of the right of way wherever possible. An 8-foot-wide easement is shown on the face of the plat for the private utility companies.

- c. Storm water** – Storm drainage will be managed on site through surface flow on the streets, inlets, piping, and a storm water detention facility that is located at the front of the

subdivision, just east of Hawthorne Lane. This and all 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. This requirement is outlined in the SIA under the heading V. Storm Drainage. The developer will be required to create an easement over the storm water detention facility to the City of Billings and an HOA to provide funding for the maintenance of the storm water system. Should the HOA fail to provide proper maintenance the City will repair the storm detention facility and create an SID to collect for the cost of repairs. This is all outlined in the SIA under the heading V. Storm Drainage.

- 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** –The proposed subdivision will be accessed from Hawthorne Lane with a looped road to provide two ways in and out. The internal street will be a public street and will be built to City standards at 34 feet wide, with curb, gutter and boulevard-style sidewalks, all within a 56-foot right-of-way. The developer will be required to complete the section of Hawthorne Lane that this subdivision abuts that includes paving, curb, gutter and sidewalk. There is the correct right of way for Hawthorne Lane which is total of 80 feet.

A Traffic Impact Study (TIS) was not required to be completed for the Founders Park Subdivision. This subdivision is not large enough to meet the trigger point to require a traffic study. As indicated in the Subdivision Improvement Agreement (SIA) the developer will be installing all required traffic and street signs for the subdivision.

- f. **Emergency services** – The Billings Police and Fire Departments will respond to emergencies within the proposed subdivision. This proposed subdivision is within fire station number 6 service area. The subdivision is located within the ambulance service area of American Medical Response (AMR).
- g. **Schools** – School District #2 provides service to elementary, middle and high school students, Beartooth elementary, Medicine Crow Middle School, and Skyview High School. The district states that there is capacity in all the schools for additional students.
- h. **Parks and Recreation** – The parkland dedication requirement for this subdivision amounts to 0.395 acres. The subdivider proposes to provide cash in lieu of parkland for this subdivision.
- i. **Mail Delivery** - The United States Postal Service (USPS) has been requesting centralized delivery facilities for new subdivisions to make mail delivery more efficient. The developer will consult with the USPS prior to placement of the centralized mail boxes. **(Condition #1)**

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

The subject property is relatively level land adjacent to urban development on the west, north and future to the east. A geotechnical study was submitted with this subdivision, 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 wildlife 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 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)

#### **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 short range bike lane along Hawthorne Lane.

### **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 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 private utility providers 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 Hawthorne Lane to the new internal road for the subdivision. The new local street within the subdivision is to be dedicated to the public as shown on the plat.

**CONCLUSIONS OF FINDINGS OF FACT**

- The preliminary plat of Founders Park 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 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 the City Council conditionally approve the preliminary plat of Founders Park Subdivision, and adopt the Findings of Fact as presented in the staff report.

**Approved by the Billings City Council, February 25, 2019**

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**William A. Cole, Mayor**