

## **FINDINGS OF FACT**

The Planning staff has prepared the Findings of Fact for the preliminary plat of Annafeld Subdivision, 2<sup>nd</sup> 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(8), 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 (8)(b)]**

#### **1. Effect on agriculture and agricultural water user facilities**

The subject property is currently farmland that has been purchased, rezoned and will be annexed for this filing. Any irrigation facilities will continue to provide irrigation to the remaining farmed area to the west. Development of this filing of the subdivision will take about 46 acres of irrigated farmland out of production. However, this area of the community has been identified by the City for future urban development and there is currently no mechanism to mitigate loss of farmland in the City of Billings or Yellowstone County.

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

- a. **Utilities** – Water service will be provided by the City of Billings. The developer will install new water mains 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).

This subdivision will be installing a 12-inch water line in Mollie Rose Lane with 8-inch water lines in the remaining new streets of this proposed filing. There will be connections provided for each lot within the subdivision. The main water lines will create a looped system to maintain equal water pressures throughout the development as the subdivision is constructed as outlined in the SIA under the heading VI Utilities.

Sanitary sewer service will be provided by the City of Billings. This filing of the subdivision will have 8-inch gravity sewer mains connecting to existing lines already in the subdivision. All of those lines will ultimately connect to an existing 24-inch gravity sewer trunk main that extends through the subdivision. 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.

MDU will provide gas services and Northwestern Energy will provide electric services to the subdivision. Easements have been shown on the face of the plat

that are acceptable to these utility providers. Many of the private utility lines will go in the alleys.

- b. **Storm water** – Storm water drainage is proposed 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 system of mechanical storm water filtration manholes then the stormwater outfalls will be directed to the Hogan Slough adjacent to the subdivision. The Hogan Slough is a major storm water outfall for Billings west end. 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.

Storm water facilities within the subdivision will be maintained by the Home Owners Association (HOA) as outlined by the City of Billings Engineering Division regulations. The applicant will submit an Operating and Maintenance manual to be followed by the HOA. The HOA that was created with the first filing will be expanded to include the second filing. The applicant will have the HOA documents completed and reviewed by the Engineering Division for the maintenance of the storm water systems before final plat approval. **(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** – All internal streets are proposed 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 and receive their approval before any construction.

Future filings of Annafeld Subdivision require updates to the TIS to account for any roads or connections that will be built and may have an impact on existing roads systems. In the SIA under the heading, III Transportation it discusses needs of Elysian Road to be completed on the south side with the required storm water drainage with curb and gutter. There is also descriptions of impacts to the surrounding roads and the required contributions to those roads and intersections. The contribution dollar amounts will need to be determined before final plat and the roads all named on the final plat. **(Condition #2)**

- 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. 24<sup>th</sup> St. West (Station #5). The Fire Department has reviewed the proposed subdivision and are satisfied with what is being proposed. 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 #23, Elysian School provides educational services to elementary through middle school students. Elysian School has indicated that they currently are under capacity and have additional capacity for students. West High School would serve as the high school for this subdivision. A response from School District #2 indicates that West High School is currently over capacity.
- 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. Additional provisions in subdivision regulations allow dedication of parkland to be waived. Options for waiving parkland dedication include if the subdivision provides for a planned unit development or other development with land permanently set aside for park and recreational uses sufficient to meet the needs of the persons who will ultimately reside in the development; and the land and any improvements set aside for park purpose equals or exceeds the area [otherwise required]. The applicant is proposing to have parkland throughout this Planned Development subdivision that will be installed with the development of each filing. It will be privately owned and maintained by the Homeowners’ Association for the subdivision. One public park was platted with the first filing. An SID was created with the first filing to provide funding to improve the public park. This filing of Annafeld Subdivision will participate in that SID. This is called out in the SIA under the heading VII Parks/Open Space. This subdivision will also be part of the Parks Maintenance District (PMD) created with the first filing. The wording of that requirement will be modified to meet the requirements of the City of Billings PRPL Division. **(Condition #3)**
- h. **Mail Delivery** - The United States Postal Service will provide postal service to the subdivision; they have indicated centralized mailbox units will be required. A paragraph in the SIA acknowledges this, and indicates the developer’s intent to coordinate mailbox locations with the postal service.

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

The subject property is currently farmed and slopes to the south toward the Yellowstone River. In the SIA under Conditions That Run with the Land (I), the subdivider has notified future lot owners that the Yellowstone River Channel Migration Study sponsored by the Yellowstone River Conservation District Council and the U.S. Army Corp of Engineers, had identified areas, which may be susceptible to erosion by the Yellowstone River. Prospective lot owners are encouraged to review the study and see what considerations they should take with structures and location of structures. This subdivision is not in the 100-year flood plain as identified on the Yellowstone County Current Floodplain Maps.

#### **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 23-902)]**

The proposed subdivision is exempt from the requirement for an Environmental Assessment pursuant to Section 76-3-616 (2), MCA.

### **C. Does the subdivision conform to the Yellowstone County-City of Billings 2016 Growth Policy, the 2019 Urban Area Transportation Plan and the Billings Area Bikeway and Trail Master Plan? [BMCC 23-(8)]**

#### **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). 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. 2019 Urban Area Transportation Plan**

The proposed subdivision adheres to the goals and objectives of the 2019 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 long-range bike lane identified on Elysian Road and on East Lane. The applicant has constructed a multi-use pathway along the entire frontage of the property along the south side of Elysian Road and a pedestrian bridge has been constructed over Hogan Slough. The developer to the east also constructed a pathway along the south side of Elysian Road so there will be a pathway constructed from Mullowney Lane to East Lane for multi modal users and youth to get to Elysian School. The applicant has also provided public parkland along the southern boundary of Annafeld, 1<sup>st</sup> Filing. This will provide an

opportunity for another pathway, the Marathon Loop, along the southern end of the subdivision. The subdivider to the east is also providing parkland along the southern portion of its subdivision that will continue this trail to the east.

**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(8)(b)(1)]**

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 (8)(b)(5)]**

The subject property will be located within the Annafeld Planned Development zoning district. A Master Plan and Planned Development Agreement (PDA) were established in 2016 specifying land use allowances and restrictions. This proposed subdivision will be added to the PDA, which substantially complies with the Master Plan and PDA.

**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 (8)(b)(2)]**

The subdivider has provided utility easements as requested by MDU and NWE 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 (8)(b)(3)]**

Legal and physical access is provided to the proposed lots from Elysian Road, the new proposed internal roads and connections to the other road within Annafeld Subdivision, 1<sup>st</sup> Filing.

**CONCLUSIONS OF FINDINGS OF FACT**

- The preliminary plat of Annafeld Subdivision, 2<sup>nd</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 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**

Staff recommends that the Planning Board recommend conditional approval of the preliminary plat of Annafeld Subdivision, 2<sup>nd</sup> Filing to the City Council, and adopt the Findings of Fact as presented in the staff report.

Approved by the Billings City Council, April 22, 2019

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William A. Cole, Mayor

pc. Sanderson Stewart