

## FINDINGS OF FACT

The Planning staff has prepared the Findings of Fact for the preliminary plat of Western Sky Subdivision, 2nd Amended. 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 23-303(H)(1)]**

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

The subject property is currently used for agricultural purposes. The 48<sup>th</sup> Street Drain that is along the western edge of the proposed subdivision will be rebuilt with this subdivision as the subdivision develops as outline in the SIA. The Hogan Slough runs along the southern end of the proposed subdivision. As the subdivision develops, the Hogan Slough will require additional capacity and that will be done as outlined in the SIA. All perimeter ditches and drains shall remain in place by the subdivider or subsequent owners. The subdivision should not affect agricultural water users' facilities but it will take land out of agricultural production.

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

- a. **Utilities** – Water service for the proposed lots will be provided by the City of Billings. The City of Billings has extended water mains down King Avenue West. The developer will connect to that water main with a public main in South 46<sup>th</sup> Street West and will provide water service to lots within the proposed subdivision, future extension of those water lines will be the responsibility of future development. The developer will pay any fees associated with connection to the water main in King Avenue West and will be responsible for the extension of water mains from South 46<sup>th</sup> Street West to South 48<sup>th</sup> Street West. When the new lots develop any applicable fees will be paid at that time and the lot developer will extend water lines into the lots for individual connections to buildings. Water mains will be installed in South 48<sup>th</sup> Street West as lots develop along that street. All water line installation shall meet City of Billings Public Works Department and Montana DEQ standards, rules, and regulations. **(Condition #1)**

Sewer services are to be provided by the City of Billings. The City of Billings has extended sewer mains down King Avenue West to South 46<sup>th</sup> Street West. The developer will connect to the sewer main with a public main in South 46<sup>th</sup> Street West and will provide sewer service to lots within the proposed subdivision, future extension of those sewer lines will be the responsibility of future development. The developer will pay any fees associated with connection to the sewer main in King Avenue West. When the new lots develop any applicable fees will be paid at that time and the lot developer will extend sewer lines into the lots for individual connections to buildings. All sewer line installation shall meet City of Billings Public Works Department and Montana DEQ standards, rules, and regulations. **(Condition #1)**

Private utilities such as electric and gas are available to the lots upon development. To ensure the proper utility easements are provided, it is recommended that the developer consult with the private utility companies and place the requested easements on the final plat. **(Condition #2)**

- b. **Storm water** – Storm drainage shall be provided by a combination of surface drainage, curb and gutters, and storm drain piping. All drainage improvements shall comply with the provisions set forth in Chapter 28, BMCC, and the *Stormwater Management Manual* in place at the time of development. Part of the construction of South 48<sup>th</sup> Street West will include the reconstruction of the ditch along the east side of South 48<sup>th</sup> Street West to allow it to handle more storm water runoff from the new subdivision as it develops. Along the southern border of the proposed subdivision is Hogan’s Slough. As part of the stormwater management of the subdivision, they will be allowed to drain directly into the drain from the subdivision, with the use of on-site stormwater quality mitigation measures. The developer shall reconstruct these drains, 48<sup>th</sup> Street Drain and Hogan’s Slough, to the standards provided by the City of Billings Engineering Division. A complete stormwater management plan shall be submitted to the City Engineering Division and Montana Department of Environmental Quality for review and approval at the time of development. **(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 applicant will be installing an access off King Avenue West at what will be South 46<sup>th</sup> Street West; this proposed access location has been approved by MDOT. It will provide access from King Avenue West for this subdivision and future subdivision to the east. It will also line up with a proposed access that comes out of the subdivision to the north, across King Avenue West. The applicant will be building two roads at this time within the proposed subdivision, South 46<sup>th</sup> Street West and Crescent Drive. Construction specifications for South 46<sup>th</sup> Street West connection to King Avenue West be submitted to and approved by MDT prior to construction. Both South 46<sup>th</sup> Street West and Crescent Drive proposed streets within the subdivision must be submitted to and approved by the City of Billings Engineering Division prior to construction. **(Condition #3)** The applicant is also proposing a 3/4–turn approach off King Avenue West at what would be approximately South 47<sup>th</sup> Street West location. This access must be approved by MDOT before it can be constructed. There are proposed access points along South 48<sup>th</sup> Street West shown on the plat, these points have been included in the traffic study and will be built as development takes place on the lots along South 48<sup>th</sup> Street West. A traffic study was submitted with this proposed subdivision and a review of the traffic study has been completed by City Engineering. The applicant has included proportional cost share of impacts to surrounding road intersections and roads affected by the proposed development and will make any necessary contributions as outlined in the SIA.
- e. **Emergency services** - The Billings Police and Fire Departments will respond to emergencies within the proposed subdivision. The Fire Station serving this area is

located at 1501 54<sup>th</sup> Street West (Station #7). All required fire hydrants will be installed in the subdivision for the use of fire suppression as outlined by the City of Billings Fire Department. The subdivision is located within the ambulance service area of American Medical Response.

- f. **Schools** – This subdivision is within Elder Grove School district for Elementary and Middle School with West serving High School students. Staff did not receive any comment from Elder Grove School about the proposed subdivision. Elder Grove has plans to expand by building a new middle school and that will increase capacity for them. School District #2 responded that West High School is over capacity at this time. The maximum enrollment capacity is 1,731 students; they are currently at 1,812 students.
- g. **Parks and Recreation** – No parkland dedication is proposed for this subdivision as it is a minor subdivision. In the SIA under the heading VII Park/Open Space that applicant will be making a cash in lieu contribution for parkland based on the residential zoning within the PD.
- h. **Mail Delivery** - The United States Postal Service has requested a centralized delivery box for the entire subdivision on 46<sup>th</sup> and Crescent Drive. The applicant will coordinate the location of the centralized delivery box with the USPS. **(Condition #4)**

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

The proposed subdivision should have only minor effects on the natural environment. There will be short term air and noise pollution associated with construction on the property. Storm water shall be managed in compliance with an approved plan and the property is outside of the flood plain. New development on the property will need to prepare and submit a project-specific geotechnical analysis to minimize any potential impacts from soil and groundwater conditions.

### **4. Effect on wildlife and wildlife habitat**

The proposed subdivision should not affect wildlife or habitat. There are no known endangered or threatened species on the property.

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

The subdivision should not negatively affect public health or safety. The subject property is not within a mapped floodway or flood zone. A geotechnical survey will be required prior to construction to ensure appropriate foundation designs are installed based on the subsurface conditions. There are no obvious threats to public health, safety or welfare.

## **B. Was an Environmental Assessment required? [MCA 76-3-616 and BMCC 23-901]**

The proposed subdivision is exempt from the requirement for an Environmental Assessment pursuant to Section 76-3-616, MCA and 23-901, BMCC.

## **C. Does the subdivision conform to the City of Billings 2016 Growth Policy Update, the 2018 Billings Urban Area Long Range Transportation Plan, and the Billings Area Bikeway and Trails Master Plan? [BMCC 23-303(H)(3)]**

## **1. City of Billings 2016 Growth Policy**

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

- a. **Home Base (healthy, safe and diverse housing options):** A mix of housing types that meet the needs of a diverse population is important (p. 8).
- 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. (p.8).
- c. **Prosperity (promoting equal opportunity and economic advancement)** A diversity of available jobs can ensure a strong Billings' economy. (p.9)

## **2. 2018 Billings Urban Area Long Range Transportation Plan**

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

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

The Billings Area Bikeway and Trail Master Plan covers this area. There is a future trail alignment shown along the northern edge of the Hogan Slough, a proposed long-range Bike Lane on South 48<sup>th</sup> Street West and a Proposed Short-Range Bike Lane along King Avenue West. The plat currently does not show those proposed easement. The bike/pedestrian trail easements need to be shown along the Hogan Slough and South 48<sup>th</sup> Street West so there is no confusion in the future where they are to be placed. In the SIA under the heading F. Billings Area Bikeway and Trail Master Plan the applicant has indicated the trail along the Hogan Slough and South 48<sup>th</sup> Street West shall be constructed at the time of lot development. Those lots would be Lots 1, 4 and 5. **(Condition #5)** No on street bike trail improvements will be required with this subdivision to meet the Trail Plan recommendations, only the onsite bike trails along the east side of the 48<sup>th</sup> Street Drain and the north side of the Hogan's Slough will be built with this subdivision.

### **D. Does the subdivision conform to the Montana Subdivision and Platting Act and to local subdivision regulations? [MCA 76-3-608(3)(b), BMCC 23-303(H)(2)]**

The proposed subdivision, with the proposed conditions, 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 23-303(H)(2)(e)]**

The subject property is located in PD zoning which include underlying zoning of Community Commercial, Neighborhood Commercial, Residential Multi-family and Residential Manufactured Home. All development shall comply with the standards set forth in Section 27-

308 and 309, 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 23-303(H)(2)(b)]**

The plat provides easements for utilities within the proposed subdivision. It is recommended that the developer work with NWE and MDU and show the needed easements on the final 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 23-303(H)(2)(c)]**

Access to the subdivision will be from accesses off of King Avenue West and South 48<sup>th</sup> Street West. The access from King Avenue West must be approved by Montana Department of Transportation. The proposed access from South 48<sup>th</sup> Street West will be reviewed and approved by the City of Billings Engineering.

**CONCLUSIONS OF FINDING OF FACT**

- The preliminary plat for Western Sky Subdivision, 2nd Amended, does not create any adverse impacts that warrant denial of the subdivision.
- The proposed subdivision conforms to several goals and policies of the 2016 Growth Policy, and does not conflict with the 2018 Transportation Plan or the Bikeway 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.

Approved by the Billings City Council, June 24, 2019

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William A. Cole, Mayor