

FINDINGS OF FACT

The Planning staff has prepared the Findings of Fact for the preliminary plat of Emma Jean Heights Subdivision, 4th 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(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 was historically used for irrigated pasture and was the site of a gravel mine. It was annexed and master planned for development in 2006. The subdivision is adjacent to similar residential uses on all sides. It will provide housing in an area that is not particularly productive for agriculture. It should not have a negative effect on agriculture.

The 4th Filing of the subdivision has some lots near the Billings Bench Water Association (BBWA) irrigation canal. No water rights are being transferred to new lot owners, and therefore the subdivision should not have an effect on agricultural water user facilities. The BBWA has asked for a 20-foot maintenance easement for a trackhoe to clean Lateral #1 every 5 years or as needed. There is an existing easement on the main ditch of 25 feet from centerline of ditch. The easements as shown on this applicant are the same as ones provided with previous filings. A concern expressed by the BBWA was people pumping water from the ditch without permits. In the SIA under Property Conditions and Information for Lot Purchasers, E. it outlines property owners along the ditch can buy a permit to pump water from the BBWA.

2. Effect on local services

- a. **Utilities** – Water services to the subject property are provided by the County Water District of Billings Heights (CWDBH). The existing water mains in the subdivision will be extended to serve the new lots. The new water lines within the streets of this filing will provide looped lines to equalize pressure in the subdivision. The subdivider will connect to existing water lines in Tania Circle, Emma Avenue and Anchor Avenue. The improvements are subject to the review and approval by CWDBH prior to construction.

Sanitary sewer service will be provided by the City of Billings by connecting to existing sewer mains in the subdivision. Those mains are in Tania Circle, Emma Avenue and Anchor Avenue. As proposed, the City of Billings Public Works Department finds the sewer main extensions to be acceptable. All sewer line installation is subject to review and approval by City of Billings Engineering Department prior to installation.

MDU will provide gas services, and North Western Energy will provide electric services to the subdivision. Easements shall be shown on the face of the final plat as requested by these utility providers.

- b. **Storm water** – A storm water master plan was reviewed in 2007 for the overall master planned area of Emma Jean Heights Subdivision. There currently are no City storm sewer lines for this development to connect. This subdivision will be able to connect in the future once the lines are installed in Bitterroot Drive. Until then, the subdivider has constructed internal storm sewer lines draining to temporary retention ponds.

At this time, 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 retention areas on Lots 12 and 13, Block 2 of Emma Jean Heights Subdivision, 1st Filing and Lots 10 and 11, Block 10, of Emma Jean Heights Subdivision, 2nd Filing.

In addition to the proposed storm water management facilities, a Storm Water 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.

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 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** – The proposed subdivision will be accessed by the extension of the existing streets Anchor Avenue, Tania Circle and Jean Avenue. The new streets will be built to the current design standards of 34-foot wide streets with curb, gutter and boulevard-style sidewalk within 56-foot rights-of-way. The developer is required to construct all handicap ramps and aprons at road intersections, or where there is a proposed handicap ramp along internal roadways. The developer will grade the sites for the boulevard sidewalk. This is pointed out by the developer in the SIA under the heading II Transportation b. Sidewalks.

A Traffic Impact Study (TIS) was completed with the original Master Plan in order to evaluate the subdivision’s impact on the street network in the surrounding area.

- e. **Emergency services** – The Billings Police and Fire Departments will respond to emergencies within the proposed subdivision. The Police Department has no concerns with the proposal. The nearest fire station is located at 1601 St. Andrews Drive (Station #6).

In the SIA under **III Emergency Service**, the applicant indicates he will be installing ‘An operational fire hydrant within 600 feet of the furthest portion of a residence under construction. The fire hydrants will be installed with infrastructure construction and streets.

The police department responded stating, ‘Continued development and annexation without adding resources has affected our ability to deliver service’.

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. Beartooth Elementary School, Medicine Crow Middle School, and Skyview High School will serve the children in this subdivision. Other subdivisions recently proposed in the heights have received comments from School District #2 stating that is additional capacity at the schools.
- g. **Parks and Recreation** – The parkland dedication requirement for this subdivision amounts to 0.88 acres (11% of the net single-family lot area). The applicant is proposing to dedicate 1.72 acres east of the 3rd Filings Park Dedication, Tract 1. They will also be dedicating 0.25 acres of parkland with the multi-use trail along the BBWA.

The subdivider had master planned the subdivision parkland areas for the entire subdivision during the First Filing. The park master plan includes a 2.8 acre centralized neighborhood park and an additional 1.7 acres of linear parkland along the BBWA canal, for a total of 4.5 acres of parkland.

- h. **Mail Delivery** - The United States Postal Service will provide postal service to the subdivision. With the previous filing 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 mailboxes. **(Condition #1)**

3. Effect on the natural environment

The subject property is relatively flat with a slight slope to the east. A preliminary geotechnical evaluation was done for the subject area in December of 2006 to investigate soil, rock, and groundwater conditions and provide recommendations to support design and construction of foundation and drainage elements. 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 a 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 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

The subdivision is located in an area with no known natural hazards. Fire hydrants will be constructed to meet fire department requirements. 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 2016 City of Billings Growth Policy, The Billings Heights Neighborhood Plan, the 2018 Urban Area Transportation Plan, and the Billings Area Bikeway 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:

Strong Neighborhoods (livable, safe, sociable and resilient neighborhoods): Neighborhoods that are safe and attractive and provide essential services are much desired (p.8).

Home Base (healthy, safe and diverse housing options) Homes that are safe and sound support a healthy community

2. Billings Heights Neighborhood Plan

The Billings Heights Neighborhood Plan identifies this area for medium density residential development on its Future land Use Map, as this area was not yet annexed or developed when the Plan was adopted. The subdivision meets the following goals of the Heights Neighborhood Plan:

- a) **Increase extent and quality of non-motorized transportation facilities (Transportation Goal, Page 17).** The provision of a trail corridor along the BBWA Canal through the subdivision from Bitterroot Drive and Hawthorne Lane is a significant amenity for the neighborhood and the Heights overall.
- b) **Provide safe, good quality and affordable housing in the Heights. Develop housing patterns that are compatible with existing neighborhoods. Encourage high-density multi-family development along arterial routes. Maintain similar housing in established neighborhoods (Land Use Goal, Page**

19). This subdivision provides medium density residential single-family development in a neighborhood with existing single family and some two-family development.

- c) **Encourage infill housing (Housing Goal, Page 23).** This property is surrounded by existing City and County development on the north, south, east and west and municipal services are already provided too much of the neighborhood making development of this property logical to provide municipal services efficiently.

3. 2018 Urban Area Transportation Plan

The proposed subdivision adheres to the goals and objectives of the 2018 Transportation Plan and preserves the street network and street hierarchy specified in the plan.

4. Billings Area Bikeways and Trail Master Plan(BABTMP)

The proposed subdivision lies within the jurisdiction of the BABTMP. The Plan identifies a potential multi-use trail along the south side of the BBWA canal. The developer started construction of a trail along the BBWA with the first filing, and will continue its development with subsequent filings. This fourth filing has some lots that will have BBWA along the rear property line. The applicant will be continuing the multi-use trail along the south side of the BBWA canal.

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 private utility companies on the face of 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 23-302.H.3.c.]

Legal and physical access is provided to the proposed lots from Jean Avenue, Anchor Avenue, Columbine Drive and Tania Circle. These streets connect to existing street network from previous filings, and out to Bitterroot Drive.

CONCLUSIONS OF FINDINGS OF FACT

- The preliminary plat of Emma Jean Heights Subdivision, 4th Filing 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 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 Emma Jean Heights Subdivision, 4th Filing, to the City Council, and adopt the Findings of Fact as presented in the staff report.

Approved by the Billings City Council March 23, 2020

William A. Cole, Mayor