

## **FINDINGS OF FACT**

The Planning staff has prepared the Findings of Fact for the preliminary plat of High Sierra Subdivision, 10<sup>th</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(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 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. The proposed subdivision is adjacent to similar residential uses to the south, west, and east. It 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**

**Utilities** – Public water services to the subject property are provided by the County Water District of Billings Heights (CWDBH). There are existing 8-inch mains in Bonito Loop and Annandale Road that will be extended to serve the new lots. These lines will be looped wherever possible to equalize water pressure within the subdivision. Each lot will be provided with individual water service connections. All water line construction shall be installed in conformance with the design standards, specification, rules and regulations of the CWDBH.

Fire hydrants will also be installed as required by the City Fire Department. The City Fire Department with review and approve all proposed hydrant locations prior to installation.

Sanitary sewer service will be provided by the City of Billings by connecting to the existing 8-inch sewer main in Bonito Loop and the existing 10-inch main in Annandale Road. Each lot will be provided with individual sewer service connections. All sewer line construction shall be installed in conformance with the design standards, specification, rules and regulations of the City of Billings Engineering Department.

Private utility providers shall use the provided easement outside the public right of way, easement are shown on the face of the plat.

**Storm water** – Stormwater management for the proposed subdivision will be provided by directing water through a network of curb and gutters, inlets and piping. The

stormwater will be directed to temporary detention ponds. All drainage improvements shall satisfy the criteria set forth by the *City of Billings Stormwater Management Manual* and are subject to review and approval by the City Engineering Department.

**Solid waste** – The City of Billings will provide solid waste collection and disposal. The City’s landfill has adequate capacity for this waste.

**Streets** – Access to the lots in the 10<sup>th</sup> Filing will be via extension of roads built with the previous filings of this subdivision. The internal subdivision streets will be constructed to 34-foot pavement widths, with curb, gutter, and 5-foot wide boulevard style sidewalks within 56-foot wide rights-of-way. The proposed subdivision will be accessed by an extension of Bonito Loop to complete its loop back to Annandale Road. The Bonito Loop extension and the new local street, Chino Circle, will be built to City standards at 34 feet wide, with curb, gutter and boulevard-style sidewalks, all within 56-foot rights-of-way. Chino Circle will end with a temporary turnaround and will be extended further in future filings of the subdivision. Since the proposed turnarounds are located off the subject property, it is recommended that recordable easement documents accompany the final plat documents. **(Condition #1)**

Annandale Road fronts the southern boundary of this subdivision. It is identified as a Minor Arterial on the transportation classification map and will therefore be built to an arterial standard. Only a small portion of Annandale will be built with this filing, only the frontage along Lots 32 & 33, Block 16. The remainder of Annandale will be built at a later time with future development of Lot 39, Block 17.

A Traffic Impact Study (TIS) was completed for High Sierra Subdivision filings 5 through 12. Eight intersections were analyzed to determine impacts to them from the creation of these filings. 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 review for the High Sierra Subdivision, 10<sup>th</sup> Filing, it was determined that the developer shall contribute 0.91%, 0.82%, and 0.72%, respectively, 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.

**Emergency services** – The Billings Police and Fire Departments will respond to emergencies within the proposed subdivision. The fire station that serves this area is located at 1601 St. Andrews Drive (Station #6).

The subdivision is located within the ambulance service area of American Medical Response (AMR).

Comments from the Police department state that continued expansion of subdivisions will require additional resources to maintain acceptable levels of service.

**Schools** – Independent School District provides educational services to elementary students, while School District #2 provides service to middle and high school students (Castle Rock Middle School, and Skyview High School). The Independent School District superintendent commented that there is capacity at the school for more students, however no busing service will be provided. A response from School District #2 states there is additional capacity at Castle Rock and Skyview.

**Parks and Recreation** – The parkland dedication requirement for this subdivision amounts to 0.907 acres. The subdivider proposes to provide cash in lieu of parkland for this filing of the subdivision. A comparative market analysis shall be used to determine the parkland dedications amount in accordance with Section 23-1006, BMCC. The nearest park to this property Sally Ann Park, to the north and east of the property adjacent to the proposed detention pond. This City Park is not yet developed.

**Mail Delivery** - The United States Postal Service will provide postal service to the subdivision. They have requested the installation of centralized mailbox unit (CBUs). The developer will work with the USPS to provide a satisfactory location for a CBU for this filing. (**Condition #2**)

### **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 study was performed for the subdivision a summary of the information from that study is included in the SIA under the heading VIII. Soils/Geotechnical Study. The subdivision should have a minimal effect on the natural environment.

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

There are no known endangered or threatened species on the property. Future property owners should be aware that the proposed subdivision is located near prime wildlife habitat and adjacent to open agricultural areas, therefore conflicts with wildlife may occur. Any damage caused by wildlife is the responsibility of the owner. This notice is in the SIA under the heading II. Property Conditions and Information for Lot Purchasers.

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

Fire hydrants will be installed 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.

Comments received from the police state that continued growth of the city would require additional resources to be able to maintain expected levels of service.

## **B. Was an Environmental Assessment required? [(MCA 76-3-603 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 2018 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.

This filing of High Sierra Subdivision is outside of the Billings Heights Neighborhood Plan study area.

**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 Bikeway and Trail Master Plan (BABTMP)**

The proposed subdivision lies within the jurisdiction of the BABTMP. The Plan shows future bike lanes along Annandale Road. These improvements will be addressed at the time of development of Lot 39, Block 17.

**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 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, at this time, within the R-70-R zoning district. All building development on the lot shall comply with current zoning when applying for a 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 has provided private utility easements as required by 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 the extension of Bonito Loop and the creation of Chino Circle, both local streets to be dedicated to the public as shown on the plat. Annandale Road also provides access and will be constructed to a minor arterial standard to its intersection with Bonito Loop, with this filing.

**CONCLUSIONS OF FINDINGS OF FACT**

- The preliminary plat of High Sierra Subdivision, 10<sup>th</sup> 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 Update 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, 10<sup>th</sup> 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

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William A. Cole, Mayor