

FINDINGS OF FACT

The Planning staff has prepared the Findings of Fact for the preliminary plan of Western Sky Subdivision, Second Amended, Lot 5A, Subdivision for Rent or Lease. These findings are based on the preliminary plan 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 is currently used for agricultural purposes. This proposed development will remove approximately 28.2 acres of agricultural land out of production. Perimeter ditches and drains shall remain in place and shall not be removed by the subdivider or subsequent owners. The subdivision should not affect agricultural water users' facilities but it will take land out of agricultural production.

This subdivision has a drainage ditch along the western edge, 48th Street Drain, it will be placed in an easement and will remain in use. Hogan's Slough is along the southern end of the proposed subdivision, it will also remain in use. Both waterways are used for drainage purposes for other developments farther north and west.

2. Effect on local services

- a. **Utilities** – Public water services to the subject property will be provided by the City of Billings. The city has a water line in King Avenue West that is along part of the frontage of this entire subdivision, Western Sky. The developer has extended a water line into the subdivision from King Avenue West south and then west on Crescent Street. Lot 5A will have a private water line from the water line in Crescent Street south to this proposed development. This new private water line will be in an existing easement. From that private water line there will be water lines run throughout the development with water connections provided to each space that will have a manufactured home.

The developer shall make a cash contribution to the City of Billings for future water main improvement in South 48th Street West. This contribution will be made at the time of development of Lot 5A. All water line construction shall be installed in conformance with the design standards, specification, rules and regulations of the City of Billings, Engineering Department. This is all outlined in the SIA under the heading Utilities A, Water.

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.

- b. **Sewer** - Sanitary sewer service will be provided by the City of Billings. The city has a sewer line in King Avenue West that is along part of the frontage of this entire subdivision, Western Sky. The developer has extended a sewer line into the subdivision from King Avenue West south and then west on Crescent Street. Lot 5A will have a private sewer line from the sewer line in Crescent Street south to this proposed development. This new private sewer line will be in an existing easement. From the private sewer line there will be sewer lines run throughout the development with sewer connections provided to each space that will have a manufactured home. All sewer line construction shall be installed in conformance with the design standards, specification, rules and regulations of the City of Billings Engineering Department. This is all outlined in the SIA under the heading Utilities B, Sanitary Sewer.

Coordination with private utility providers shall be done prior to construction of the development. Private utility companies will serve the development either in private utility easements at locations shown on the face of the plan, or in areas determined at the time of development. **(Condition #1)**

- c. **Storm water** – Stormwater management for the proposed subdivision will be provided by directing water through a network of curb and gutters, inlets and piping. Stormwater will be conveyed to either the South 48th Street West Drain or the Hogan’s Slough. Discharges to the two drains will have acceptable backflow prevention devices to prevent large storm events from back flowing into the storm drain lines that service the subdivision.

The developer shall reconstruct the portion of Hogan’s Slough that runs along the south lot line of Lot 5A, Block 1 to increase capacity in accordance with the recommendations of the West Billings Stormwater Management Plan.

The original SIA with Western Sky Subdivision, 2nd Amended, has an agreement with the City of Billings for the entire subdivision to be able to discharge stormwater into the South 48th Street West Drain or the Hogan’s Slough. (Recorded Document number 3902605) There will be on-site stormwater quality mitigation measures to control stormwater quality into those two drains. Each lot in Western Sky Subdivision 2nd Amended will make a cash contribution to the City of Billings for construction of facilities in service of the City of Billings Shiloh Conservation Area. Those facilities will be constructed by the City of Billings in a location and at a time found to be appropriate to the City. This dollar amount was calculated based on the overall subdivision stormwater detention required as determined by the Subdivision Stormwater Report prepared with the Western Sky Subdivision, 2nd Amended.

All proposed stormwater management will be reviewed and approved by City of Billings Engineering Department to ensure it meets the master planned stormwater plan for Western Sky Subdivision, Second Amended, Lot 5A. All

drainage improvements shall satisfy the criteria set forth by the *City of Billings Stormwater Management Manual*.

- 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** – Access to the lots in this proposed subdivision is from South 48th Street West. In the City of Billings Subdivision regulations Article 23-600. Developments Providing Multiple Spaces for Rent or Lease for Recreational Vehicles, Mobile Homes, and Manufactured Homes, Section 23-603 B. Streets. All streets within a Manufactured or Mobile Home Park or Recreational Vehicle Park shall be private. All streets within this proposed development shall be private. The streets shall be laid out to discourage through traffic and intersections with public streets. Streets will be constructed to a 34-foot wide, back of curb to back of curb, and 5-foot wide boulevard sidewalks.

A TIS update has been submitted to the Engineering Division for review and approval prior to final plan. This subdivision is subject to the terms and conditions of the SIA for the entire subdivision, Western Sky Subdivision, 2nd Amended, recorded under document number 3902605. No physical improvements are anticipated on South 48th Street West with this development but the developer will be making a cash contribution to the City of Billings for future improvements to South 48th Street West. This contribution shall be made prior to development of this lot. This is all defined in the SIA under the heading III Transportations A. Streets.

The TIS also identified the need to move the south access point to the north of where it was originally platted with the Western Sky, 2nd Filing. The south approach has been relocated to give better space between the existing approach at Diamond Falls Road and the future approach at the quarter section. It also provides an entirely better location with respect to the Hogan Slough/48th Drain confluence. Language regarding the southern access is found in the SIA on page SIA-5 under the heading E. Access 1.

Sidewalks with accessible ramps at the intersections will be completed with the street improvements within the development.

- f. **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 1501 54th Street West (Station #7).

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.

- g. Schools** – Elder Grove School provides K-8 to students within this subdivision, School District #2 provide service to students within this subdivision for high school, West High School. West High School is currently over capacity. School District #2 did not respond to request for comments at the time of the writing of this report.
- h. Parks and Recreation** – Parkland dedication will be met with some private park area, public pedestrian/bike trails along south 48th Street West and along Hogan’s Slough and a cash in lieu contribution.
- i. 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)**
- j. Phasing** – The applicant is proposing to phase the development of the manufactured home park. Because there are no blocks or lots created with a manufactured home park, there is no way to define the phases using them. Attached to the end of the Finding of Fact is an exhibit showing the proposed phases of the development. The SIA defines what contributions will be taking place with the two phases and what improvement work will be done. It also outlines anticipated date the second phase will be open.

3. Effect on the natural environment

The subject property is relatively level farmland. It is adjacent to urban development on its east side with large lot single family to the southwest. A geotechnical study was performed for the subdivision. In the SIA it is stated that additional geologic study may be required at the time of development. 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.

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:

Essential Investments: Infill development and development near existing City infrastructure may be the most cost effective. (p.6)

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) Planning and construction of interconnected sidewalks and trails are important to the economy and livability of Billings. (p.9)

3. 2018 Billings Urban Area Long Range 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 BABTMP does not show any trails within the proposed subdivision. There will be no trails 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) 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 within the RMF zoning district. All development shall comply with current zoning.

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 will be providing private utility easements as required by private utility providers.

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 lot from South 48th Street West, all internal streets will be built to city standards and will be private roads as required by City of Billings Subdivision Regulations.

CONCLUSIONS OF FINDINGS OF FACT

- The preliminary plan of Western Sky Subdivision, Second Amended, Lot 5A, Subdivision for Rent or Lease 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

The Planning Board recommend conditional approval of the preliminary plan of Western Sky Subdivision, Second Amended, Lot 5A, Subdivision for Rent or Lease, to the City Council, and adopt the Findings of Fact as presented in the staff report.

Approved by the Billings City Council, October 26, 2020

William A. Cole, Mayor

Phasing Plan

