

## FINDINGS OF FACT

The Planning staff has prepared the Findings of Fact for the preliminary plat of Parkland West Subdivision, 7<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(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 not used as farmland. The original Descro Subdivision, 7<sup>th</sup> Filing was platted in 1982 and is a Planned Unit Development. The land has not been used for farming for quite some time. This proposed subdivision will have no effect on agriculture or water user facilities.

**2. Effect on local services**

- a. **Utilities** – Water service will be provided by the City of Billings. There are two existing water lines, one in Crater Lake on the north and one in Rachelle Circle on the south. Both water lines are 8 inch and will be extended the entire length of Rachelle Circle and extended to the end of the subdivision on the east. Water service stubs will be provided for all new proposed lots within the subdivision. New fire hydrants will be installed 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). These requirements are outlined in the SIA under the heading VI. Utilities.
  
- b. **Sewer** - Sanitary sewer service will be provided by the City of Billings. There are two existing sewer lines, one in Crater Lake on the north and one in Rachelle Circle on the south. Both sewer lines are 8 inch and will be extended the entire length of Rachelle Circle and extended to an existing manhole beyond the end of paving on Crater Lake to the east. Sewer service stubs will be provided for all new proposed lots within the subdivision. The subdivider will install new sewer line services for in accordance with design standards, specifications, rules and regulations of the City of Billings Public Works Department and MDEQ. These requirements are outlined in the SIA under the heading VI. Utilities.

Private utilities will be extended during construction of the roads and located within the right of way and utility easements shown on the plat.

- c. **Storm water** –The applicant is proposing to maintain storm water on site and with the use of a detention pond to the east of the subdivision. All 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.

- 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** – This subdivision will take access off South 36<sup>th</sup> Street West to Crater Lake and Rachelle Circle. Crater Lake and Rachelle Circle will be built within a 60-foot-wide right of way. They will be built to a City of Billings standard residential street of 34 feet from back of curb to back of curb. They will be built to meet the requirements of the City of Billings Engineering Division and receive their approval before any construction. This requirement is outlined in the SIA under the heading III Transportation A. Streets.

Sidewalks will be built with this subdivision and will be 5-foot-wide boulevard sidewalks.

- f. **Emergency services** – The Billings Police and Fire Department will respond to emergencies within the proposed subdivision. The nearest fire station is located at 605 24<sup>th</sup> St. West (Station #5). The developer will install 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).

- g. **Schools** – This subdivision is in School District #2. The schools that will be affected are Central Heights Elementary, Will James Middle School and West High School. At the time this staff report was written there were no comments received from School District #2.
- h. **Parks and Recreation** – Parkland dedication requirements were met with the Parkland West 1<sup>st</sup> Filing.
- i. **Mail Delivery** - The United States Postal Service (USPS) will provide postal service to the subdivision. The applicant will need to coordinate location of CBU with the USPS. **(Condition #1)**

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

The subject property is relatively level land and is in an area that has been experiencing development for many years. There should be minimal effect on the natural environment. In the SIA there is a paragraph notifying the future lot owner there may be limitations or special requirements of the lot soils that should be investigated before construction on the lots.

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

There are no known endangered or threatened species on the property. This land has been experiencing development for many years and there is minimal habitat on the land. This subdivision should have a minimal effect on wildlife and wildlife habitat. There is a paragraph in the SIA that warn lot owners there may be some interface with animals.

#### **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 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 (relating public and private expenditures to public values):** Infill development and development near existing City infrastructure may be the most cost effective. (p. 6)

**Home Base (healthy, safe and diverse housing options):** Homes that are safe and sound support a healthy community. (p. 9)

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

The proposed subdivision adheres to the goals and objectives of the 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 no trail identified within the proposed subdivision. There is a trail along Monad Road to the south and a future trail along South 36<sup>th</sup> Street West is identified as a future location for a bike lane.

### **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 conform to the requirements of current zoning. When the lots are sold, and they submit for a building permit, additional requirements of zoning will be reviewed with the permit process.

**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 for private utility companies. Private utility companies will have locations available to them for installation of their services.

**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 to the proposed lots is provided from South 36<sup>th</sup> Street West to Crater Lake and Rachelle Circle. Each lot will have access from street frontage on Crater Lake and Rachelle Circle.

**CONCLUSIONS OF FINDINGS OF FACT**

- The preliminary plat of Parkland West Subdivision, 7<sup>th</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**

The Planning Board recommends conditional approval of the preliminary plat of Parkland West Subdivision, 7<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 22, 2021

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William A. Cole, Mayor