

FINDINGS OF FACT

The Planning staff has prepared the Findings of Fact for the preliminary plat of Cherry Island Subdivision. 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 is currently vacant, grassland and trees. It is not used for farming purposes. There are no ditches or water rights to be transferred to new owners. The subdivision should not affect agricultural water users' facilities.

2. Effect on local services

- a. **Utilities** – Public water services to the subject property will be provided by the County Water District of Billings Heights. This subdivision will connect to an existing 8-inch water line in the north Cherry Creek Loop Road and to the south Cherry Creek Loop Road which also connects to Bitterroot Drive. Eight-inch water lines will be installed in all internal roads with stubs to each lot. All water line construction shall be installed, by the subdivider, in conformance with the design standards, specification, rules and regulations of the County Water District of Billings Heights.

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

Sanitary sewer service will be provided by the City of Billings. The sanitary sewer system for the Subdivision will be installed by the subdivider. It will be a low-pressure system and will consist of sewer lines appropriately sized as required by the City of Billings Public Works Department. This system will discharge into the existing 8-inch sanitary sewer gravity main located in North Cherry Creek Loop Road. All sanitary sewer line installation shall be reviewed and approved prior to installation by the City of Billings Public Works Department.

Each lot will be provided with individual sewer service connections. All sewer line construction shall be installed, by the subdivider, in conformance with the design standards, specification, rules and regulations of the City of Billings Engineering Department.

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

- b. 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 system will use the existing Cherry Creek Estates Subdivision system in accordance with that previously prepared and approved Storm Water Drainage Plan of which this parcel was a part. The stormwater design for Cherry Island Subdivision, will conform to the current City of Billings Stormwater Management Manual. An irrigation drain/waste ditch traverses the site. Provisions shall be made to continue conveyance of the seasonal flows that may occur in this ditch. The applicant’s agent will submit a stormwater management plan to be reviewed and approved by the Engineering Division. All drainage improvements shall comply with the provisions of the Stormwater Management Manual and Section 23-706, BMCC.

The storm water system within the subdivision will be the responsibility of the Home Owners Association (HOA) to maintain. In the SIA under the heading V. Storm Drainage the applicant will include wording that outlines the HOA responsibility to maintain the system. That language shall be coordinated with the City Public Works Department to ensure it is correct and covers the requirements of maintenance. **(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** – Access to the lots within this proposed subdivision will be from North or South Cherry Hills Loop Road. Each individual lot will be accessed from Cherry Island Drive within the subdivision. This street shall be public, located within a 56-foot right-of-way with a street width of 34-foot back of curb to back of curb. This internal access road shall be built to grade with a satisfactory subbase, base course, curb and gutter, and asphalt surface. All streets construction shall be reviewed and approved prior to installation by the City of Billings Public Works Department.

Sidewalks will be installed at time of lot construction with 5-foot wide boulevard sidewalks. Road construction will include installation of accessible ramps at the intersections.

A boulevard sidewalk along the south side of North Cherry Creek Loop Road from Bitterroot Drive to Cherry Island Drive is required at this time.

This information is outlined in the SIA under the heading III Transportation B. Sidewalks.

- e. 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 Saint 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.

- f. Schools** – This subdivision will be served by School District #2. Elementary School for this subdivision is Beartooth Elementary, Middle School, Medicine Crow, and High School is Skyview High School.
- g. Parks and Recreation** – This subdivision parkland dedication is 0.78 acres. The applicant will be providing a cash in lieu contribution for parkland.
- h. Mail Delivery** - The United States Postal Service will provide postal service to the subdivision. The developer will work with the USPS to provide a satisfactory location for a CBU for this filing. **(Condition #2)**
- i. Historic features** – No known historic or cultural assets exist on the site.

3. Effect on the natural environment

The subject property does have some slopes on the south end of the property by South Cherry Hills Loop Road. The land will present some challenges for road installation but nothing that would prevent it from being done. There are existing trees on the property that may have to be removed to get the new subdivision streets and sidewalks installed. 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 (relating public and private expenditures to public values): Infill development and development near existing City infrastructure may be the most cost effective. (p.6)

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)

Implementation of the Infill Policy is important to encourage development of underutilized properties. (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.8)

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

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 shows a future bike lane along Bitterroot Drive and one along South Cherry Creek Loop Road. There are no identified trails within the proposed 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 Suburban Neighborhood Residential (N3) zoning district. All building development on the lots 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 requested 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 proposed Cherry Island Drive. All existing and new proposed streets are dedicated to the public as shown on the plat.

CONCLUSIONS OF FINDINGS OF FACT

- The preliminary plat of Cherry Island Subdivision does not create any adverse impacts that warrant denial of the subdivision. It is a good infill project for land that is surrounding by existing residential uses.
- 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 is forwarding a recommendation of conditional approval of the preliminary plat of Cherry Island Subdivision to the City Council and adoption of the Findings of Fact as presented in the staff report.

Approved by the Billings City Council, August 23, 2021

William A. Cole, Mayor