

## **FINDINGS OF FACT**

The Planning staff has prepared the Findings of Fact for the preliminary plat of Annafeld North Subdivision, 1<sup>st</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 currently used as sod farmland it has been rezoned and is annexed into the City. This proposed development will remove about 17.85 acres of sod farming land out of production. Perimeter ditches and drains shall remain in place and not be altered by the subdivider or subsequent owners. Any irrigation facilities will continue to provide irrigation to the remaining sod farm area to the north. The subdivision should not affect agricultural water users' facilities, but it will take land out of agricultural production.

#### **2. Effect on local services**

- a. **Utilities** – Water service will be provided by the City of Billings. The developer will install new water mains in all the new local streets, new individual services to all of the lots, and new fire hydrants 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).

This subdivision will be installing an 8-inch water line in all the internal streets of this proposed filing. There will be connections provided for each lot within the subdivision. The main water lines will create a looped system to maintain equal water pressures throughout the development as the subdivision is constructed as outlined in the SIA under the heading VI Utilities.

Sanitary sewer service will be provided by the City of Billings. All sanitary sewer lines will ultimately connect to an existing 24-inch gravity sewer trunk main that is in the south east corner of the subdivision. The subdivider will install new sewer mains in the local streets and individual services for each lot in accordance with design standards, specifications, rules and regulations of the City of Billings Public Works Department and MDEQ as outlined in the SIA under the heading VI Utilities.

Private utility companies, such as gas and electric, will provide service to the subdivision. Easements have been shown on the face of the plat that are acceptable to these utility providers. Some of the private utility lines will go in the carriage ways / alleys.

- b. **Storm water** – Storm water drainage is proposed to be handled by curb and gutters that discharge into storm drainage piping as well as surface conveyance in some areas. The storm drainage pipes will discharge into a stormwater detention area that is located within a private park. This park will be deeded to the HOA and maintained by them. 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.

Storm water facilities within the subdivision will be maintained by the Home Owners Association (HOA) as outlined by the City of Billings Engineering Division regulations. The applicant will submit an Operating and Maintenance manual to be followed by the HOA. The applicant will have the HOA documents completed and reviewed by the Engineering Division for the maintenance of the storm water systems before final plat approval. **(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** – All internal streets are proposed to be built to City standards providing the required road width, curb/gutters, and boulevard sidewalks. They will be built to meet the requirements of the City of Billings Engineering Division and receive their approval before any construction. Road within the subdivision that currently are not named will be named before final plat.

Elysian Road is designated as a collector on the Functional Classification Map. Elysian Road will be improved along the first filing with curb and gutter along with pavement widening. The widening will include a travel lane, center turn lane / center median and a parking lane. Storm drainage will be handled with curb and gutters draining as approved by City Engineering. All proposed improvements on Elysian Road will be submitted to City Engineering for review and approval prior to construction. This is all outlined in the SIA under the heading III Transportation A Streets.

A TIS to account for any roads or connections that will be impact by this subdivision has been submitted to City Engineering. In the SIA under the heading, III Transportation it discusses impacts to Mullowney Land and Elysian Road and the impacts to East Lane and Elysian Road to be completed on the south side with the required storm water drainage with curb and gutter. Impacts to the surrounding roads and the required contributions to those roads and intersections is all outlined in the SIA under the heading III Transportation A Streets.

- e. **Emergency services** – The Billings Police and Fire Department will respond to emergencies within the proposed subdivision. The nearest fire station is located at 604 S. 24<sup>th</sup> St. West (Station #5). The Fire Department has reviewed the proposed subdivision and is satisfied with what is being proposed. The applicant

will be installing 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).

- f. **Schools** – School District #23, Elysian School provides educational services to elementary through middle school students. Elysian School has indicated that they currently have additional capacity for students. West High School would serve as the high school for this subdivision. A response from School District #2 indicates that West High School is currently over capacity.
- g. **Parks and Recreation** – Residential subdivisions creating lots with housing densities less than one dwelling unit per ½-acre are required by State and local laws to dedicate 11% of the net land area (or provide an equivalent cash contribution) for parkland. Additional provisions in subdivision regulations allow dedication of parkland to be waived. Consideration for waiving dedication of parkland occurs if the subdivision provides for a development with land permanently set aside for park and recreational uses enough to meet the needs of the persons who will ultimately reside in the development. Consideration for waiving dedication of parkland occurs if the land and any improvements set aside for park purpose equals or exceeds the area otherwise required.

The applicant is proposing to have parkland throughout this development that will be installed with the development of each filing. It will be privately owned and maintained by the Homeowners’ Association for the subdivision. The developer is also providing a park on the north east corner of the subdivision.

- h. **Mail Delivery** - The United States Postal Service will provide postal service to the subdivision; they have indicated centralized mailbox units will be required. A paragraph in the SIA acknowledges this and indicates the developer’s intent to coordinate mailbox locations with the postal service.

**3. Effect on the natural environment**

The subject property is relatively level farm land adjacent to urban development on its south and east sides. A geotechnical study was performed for the subdivision, dated December 2020, a summary of the information from that study will be 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. There is a paragraph in the SIA that warns future lot owners of the presence of wildlife habitat in the area, and wildlife indigenous to the area may cause damage to their landscaping or interface with domestic animals, residents, and visitors. This subdivision should have a minimal effect on wildlife and wildlife habitat.

**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 Yellowstone County-City of Billings 2016 Growth Policy, the 2019 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.

**2. 2019 Urban Area 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 a long-range bike lane identified on Elysian Road and on East Lane. The applicant has constructed a multi-use pathway along the entire frontage of the property along the south side of Elysian Road and a pedestrian bridge has been constructed over Hogan Slough. The developer to the east also constructed a pathway along the south side of Elysian Road so there will be a multi-use pathway constructed from Muldowney Lane to East Lane for multi modal users and youth to get to Elysian School. There will be no requirement for additional trail from 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(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 be in City zoning district Neighborhood Mixed Use (NMU). The proposed subdivision lots meet the requirements of zoning and further zoning compliance will take place with the submittal of buildings on specific lots.

**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 as requested by MDU and NWE 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 (8)(b)(3)]**

Legal and physical access is provided to the proposed lots from Elysian Road, the new proposed internal roads and connections to the other road within Annafeld North Subdivision, 1<sup>st</sup> Filing.

**CONCLUSIONS OF FINDINGS OF FACT**

- The preliminary plat of Annafeld North Subdivision, 1<sup>st</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**

Staff recommends that the Planning Board recommend conditional approval of the preliminary plat of Annafeld North Subdivision, 1<sup>st</sup> Filing to the City Council, and adopt the Findings of Fact as presented in the staff report.