

## **FINDINGS OF FACT**

The Planning staff has prepared the Findings of Fact for the preliminary plat of High Sierra Subdivision, 17<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 is currently dry land grass and shrubs. There are no water rights being transferred to subdivision property owners. There are no existing ditches near this proposed development. 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 City of Billings. The subdivision will be served by making two connections to public water mains, one in Matador Avenue, just north of the Matador Avenue/Entrada Road intersection and one on Modera Avenue just north of the intersection of Modera Avenue/Ortega Street. A new 12-inch water main will be installed in Modera Avenue. A new 8-inch water main will be installed in the remaining local interior streets of the subdivision. The water main within the subdivision will make looped connections whenever possible. All water line construction shall be installed in conformance with the design standards, specification, rules and regulations of the City of Billings. The City of Billings Engineering Department will review and approve all proposed water lines prior to installation.

Fire hydrants will also be installed 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 by connecting to an existing 8-inch diameter sewer main located in Matador Avenue and Modera Avenue and extending the 8-inch sewer main within Matador Avenue, Modera Avenue and Street 1 (Temporary Name). All sanitary sewer mains will be stubbed to each lot. All sewer line construction shall be installed in conformance with the design standards, specification, rules and regulations of the City of Billings Engineering Department. The City of Billings Engineering Department will review and approve all proposed sanitary sewer lines prior to installation.

All telephone, gas, electrical power, and cable television lines that are placed within the public right-of-way shall be installed prior to surface improvements.

- b. Storm water** – Stormwater management for the proposed subdivision will be provided by a combination of surface drainage and curbs and gutters, drained to underground storm drains. Storm water will discharge to a stormwater detention facility located in an off-site area on Lot 17, Block 6, High Sierra Subdivision, 11<sup>th</sup> Filing. It is generally located north of the future projection of Gleneagles Boulevard designated specifically for storm water detention. This detention facility will be sized to accept runoff generated from the High Sierra Subdivision, 17<sup>th</sup> Filing. Stormwater management facilities for the subdivision must be able to pass flows generated outside the subdivision area without inundating existing and proposed home sites. 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 High Sierra Subdivision. All drainage improvements shall comply with the provisions of the City of Billings Stormwater Management Manual and Section 23-706, BMCC, a stormwater management plan shall be submitted to the Engineering Division prior to filing of the final plat.
- 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 in this proposed subdivision is from Matador Avenue, Modera Avenue and Street 1 (Temporary Name). All new streets will be in a 56-foot-wide right of way and will be constructed to 34-foot wide, back of curb to back of curb road. Road construction will include installation of accessible ramps at the intersections.

Sidewalks will be installed at the time of individual lot development. All sidewalks will be boulevard type walks with 5-foot wide boulevard sidewalks.

A 12-foot-wide sidewalk shall be constructed in the 20-foot-wide right-of-way corridors, leading to the park, and shall be installed at the time of private contract construction of the road.

- 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 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.

- f. Schools** – School District #2 provides service to students within this subdivision from elementary to high school (Eagle Cliffs Elementary School, Castle Rock

Middle School, and Skyview High School). School District #2 shows some additional capacity at the schools listed above.

- g. Parks and Recreation** – The parkland dedication requirement for this subdivision is 0.811 acres. With High Sierra 14<sup>th</sup> Filings there was a parkland dedication of 5.310 acres. With this dedication parkland requirements have been met for several High Sierra Filings in the immediate area.

The following is a summary of the required parkland dedications that have been previously attributed to the High Sierra Subdivision, 14<sup>th</sup> Filing park:

High Sierra Sub., 14<sup>th</sup> Filing 1.876 acres  
High Sierra Sub., 15<sup>th</sup> Filing 0.587 acres  
High Sierra Sub., 16<sup>th</sup> Filing 0.255 acres  
High Sierra Sub., 10<sup>th</sup> Filing 0.895 acres  
Total 3.613 acres

Remaining land for parkland dedication 1.697 acres  
High Sierra 17<sup>th</sup> Filing, 0.811 acres  
Total remaining 0.886 acres

With High Sierra 17<sup>th</sup> Filing requirement of 0.811 acres, the total remaining parkland dedication still has enough land to provide the required parkland dedication.

Lot owners are advised they will be subject to inclusion in a Parks Maintenance District (PMD) for the operation and maintenance of existing and future parks within High Sierra Subdivision.

- h. 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 #1)**

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

The subject property is relatively level land adjacent to urban development to the south. A geotechnical study was performed for the subdivision, a summary of the information from that study is included in the SIA under the heading IX. 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 grassland 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)

**2. Billings Heights Neighborhood Plan**

The Billings Heights Neighborhood Plan, adopted in 2006, identifies this area for low-density residential development. The subdivision meets the following goals of the Heights Neighborhood Plan:

**Issue: Urban Sprawl**

**Issue:** Residential Development

**Goal:** To provide safe, good quality and affordable housing in the Heights. Develop housing patterns that are compatible with existing neighborhoods. Maintain similar housing in established neighborhoods.

**Objectives:** To encourage infill development and housing development that meets residents' desire to have similar housing within their neighborhood.

*This subdivision provides low-density residential single-family development in a neighborhood with existing low-density single-family development.*

**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.

**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 3 (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 will furnish 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 lots from Modera Avenue and Matador Avenue. Street 1 (Temporary Name), a new internal street, will provide access to individual lots. All streets are dedicated to the public as shown on the plat.

**CONCLUSIONS OF FINDINGS OF FACT**

- The preliminary plat of High Sierra Subdivision, 17<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 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 the Planning Board forward a recommendation of conditional approval of the preliminary plat of High Sierra Subdivision, 17<sup>th</sup> Filing, to the City Council, and adopt the Findings of Fact as presented in the staff report.