

## **FINDINGS OF FACT**

The Planning staff has prepared the Findings of Fact for the preliminary plat of Emma Jean Heights Subdivision, 4th Filing, 1st Amended. These findings are based on the preliminary plat application and supplemental documents and address 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 vacant lot. Perimeter ditches and drains shall remain in place and not be altered by the subdivider or subsequent owners. The subdivision should not affect agricultural water users' facilities.

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

- a. **Utilities** – Water service will be provided by County Water District of Billings Heights (CWDBH). New individual services will be provided to all the lots, and any new fire hydrants will be installed as required by the City Fire Department. The water service for this subdivision comes from existing mains in Tania Circle and Emma Avenue. Any needed extension of those water lines will be installed by the subdivider to meet the requirements of the City of Billings Engineering Department regulations. The subdivider will install all new water lines in the local streets and individual services for each lot in accordance with design standards, specifications, rules and regulations of the City of Billings Engineering/Public Works Department and MDEQ. This is outlined in the SIA under the heading VI Utilities, A, Water.

Sanitary sewer service will be provided by connecting to the existing City of Billings' sewer mains. There are existing mains in Tania Circle and Emma Avenue. All new services shall be installed in accordance with design standards, specifications, rules and regulations of the City of Billings Public Works Department and MDEQ. This is outlined in the SIA under the heading VI Utilities, B, Sanitary Sewer.

Private Utilities will be provided from existing facilities to the subdivision. No additional easements on the lot frontage have been requested.

**Stormwater** – Stormwater drainage for the public streets is proposed to be provided by curb and gutters that discharge into storm water pipes. All drainage improvements shall comply with the provisions set forth in Chapter 28, BMCC, and the Emma Jean Heights Stormwater Management Plan prepared by HKM Engineering, Inc. April 2007, and the Comprehensive Drainage Plan Report prepared by Interstate Engineering, Inc. June 2013. A complete stormwater management plan shall be submitted to the Engineering Division for

review and approval at the time of development.

- b. **Solid Waste** – The City of Billings will provide solid waste collection and disposal. The City’s landfill has adequate capacity for this waste.
- c. **Streets** – The subdivision is adjacent to Tania Circle and Emma Avenue. Both of these streets are developed rights of way and no street improvements are anticipated at this time. Street improvements are included in the Waiver of Right to Protest Future Special Improvement Districts.

The sidewalks will be installed by the respective lot owner on a lot-by-lot basis, as lots develop. Sidewalks along the street frontage shall be minimum 5-foot-wide and separated with a boulevard width not less than five feet. The developer will also install all ADA required ramps at the intersections within the proposed subdivision. This information is all in the SIA under the heading Transportation.

- d. **Emergency Services** – The Billings Police and Fire Departments will respond to emergencies within the proposed subdivision. The nearest fire station, Station #6, is located at 1601 St Andrews Dr, Billings, Montana, 59105. The subdivision is located within the ambulance service area of American Medical Response (AMR).
- e. **Schools** – School District #2 provides educational services to elementary through high school students. Beartooth Elementary School, Medicine Crow Middle School, and Skyview High School will serve the children in this subdivision. At the time of the writing of this staff report all schools are shown as being over capacity.
- f. School, and Skyview High School will serve the children in this subdivision. At the time of the writing of this staff report all schools are shown as being over capacity.
- g. **Parks and Recreation** – This subdivision is a minor subdivision and there fore does not require additional parkland.
- h. **Mail Delivery** - The United States Postal Service will provide postal service to the subdivision and has indicated that centralized mailbox units will be required as were installed for the previous filings of this subdivision. The developer will need to coordinate mailbox locations with the postal service. **(Condition #1)**

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

The subject property is currently vacant lot with the proposed use of single-family homes. The property is not located in a floodplain. During development, storm water pollution prevention best management practices are required to be used and monitored to prevent erosion on exposed ground. Overall, the effect on the natural environment should be minimal.

### **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 deer in the area,

which may cause damage to their landscaping. This subdivision should have a minimal effect on wildlife and wildlife habitat.

**5. Effect on the public health, safety and welfare**

There will 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 23-302.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 2014 Transportation Plan, and the Billings Area Bikeway and Trail Master Plan? [BMCC 23-302.H.4.]**

**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).

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

**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) **Increase extent and quality of non-motorized transportation facilities (Transportation Goal, Page 17).** The provision of a trail corridor along the BBWA Canal through the subdivision from Bitterroot Drive and Hawthorne Lane is a significant amenity for the neighborhood and the Heights overall.
  
- b) **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 and some two-family development.

**Encourage infill housing (Housing Goal, Page 23).** This property is surrounded by existing City and County development on the north, south, east and west and municipal services are already provided too much of 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 is not within the jurisdiction of the Billings Area Bikeways and Trail Master Plan. There are no existing trail improvements, nor are any anticipated.

**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 N3 (Suburban Neighborhood Residential) zoning. The lot frontages conform to the requirements of this zone. Other building setbacks and structure specific requirements will be reviewed for compliance at the time of building permit review.

**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 provide utility easements as requested by private utility companies 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 Tania Circle and Emma Avenue, which are paved and developed roads. No internal accesses will be necessary for these individual lots.

**CONCLUSIONS OF FINDINGS OF FACT**

- The preliminary plat of Emma Jean Heights Subdivision, 4th Filing, 1st Amended 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, Billings Heights Neighborhood Plan and does not conflict with the Transportation or Bikeway/Trail Plans.
- 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 to City Council that the preliminary plat of Emma Jean Heights Subdivision, 4th Filing, 1st Amended be conditionally approved and adopt the Findings of Fact as presented in the staff report.

Approved by the Billings City Council, August 8, 2022

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William A. Cole, Mayor