

## **FINDINGS OF FACT**

The Planning staff has prepared the Findings of Fact for the preliminary plat of Fifty Four West Subdivision. 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. 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 the City of Billings. New individual services will be provided to all the lots, and new fire hydrants will be installed as required by the City Fire Department. The water service for this subdivision comes from 54<sup>th</sup> Street West. 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 is an existing sewer main on 54<sup>th</sup> Street West. 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. These and all other 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 Department.

- 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 54<sup>th</sup> Street West and Rimrock Road. Subdivider shall construct the east half of 54<sup>th</sup> Street West along the west subdivision boundary. Construction shall include pavement widening, curb and gutter. The street half-width shall be 19.5-feet from the right-of-way centerline to the east back-of-curb. Subdivider shall dedicate a 37-foot-wide right-of-way half-width along 54<sup>th</sup> Street West. Rimrock Road is a developed right 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.

The 40’ linear private open space adjacent to Rimrock Road will be landscaped with one tree and 6 shrubs every 40 feet in order to screen adjacent properties from the nearby arterial roads. **(Condition #7)**

- d. **Emergency Services** – The Billings Police and Fire Departments will respond to emergencies within the proposed subdivision. The nearest fire station, Station #7, is located at 1501 54<sup>th</sup> St West. The subdivision is located within the ambulance service area of American Medical Response (AMR).
- e. **Schools** – School District #2 provides service to students within this subdivision from elementary to high school (Sandstone Elementary School, Castle Rock Middle School, and Skyview High School). School District #2 did not respond to request for comments at the time of the writing of this report. Previous correspondence with the district has mentioned schools in this vicinity are over or near capacity.
- f. **Parks and Recreation** – In accordance with Section 23-1002 of the City Subdivision Regulations, the Subdivider must dedicate park land at a proportion of 11-percent of the area of residential lots being create that are smaller than ½-acre or pay cash-in-lieu. In accordance with Section 27-803 and Table 27-800.1 of the City Zoning Regulations, the subdivision must provide a minimum of 2-percent of the net subdivision area as developed parkland. This area is credited toward the parkland dedication requirements. The Subdivider must provide for a balance of 9-percent to satisfy these requirements. The total area of residential lots created by the subdivision, smaller than ½ acre, is 16.26-acres. The developed park area requirement is 0.33 acres, with 0.83 acres provided. The Subdivider

agrees pay the City of Billings cash-in-leu for the remaining 1.46-acres prior to recordation of the final plat. (**Condition #2**)

- g. **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 with the proposed use of residential lots. 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 may be some impacts to public health, safety and welfare because of this subdivision in relation to visibility of the multi-use pathways along the south border of the subdivision on Rimrock Road and along the pathway corridor from the internal streets connecting to the pathway on Rimrock Road. Since passage of the FY23 Budget and the direction for use of resources and staff time on CPTED implementation, City Administration in consultation with City Council has directed City staff to incorporate CPTED evaluation and principals into projects and processes like transportation planning, park planning, and public safety related activities. (**Condition #6**)

## **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)** Planning and construction of interconnected sidewalks and trails are important to the economy and livability of Billings.

## **2. West Shiloh Area Plan**

The proposed subdivision is consistent with the following goals of the West Shiloh Area Plan.

**PLANNED GROWTH GOAL 1** - Establish Development Patterns that use land more efficiently

**Policy A** Promote efficient utilization of land within the West Billings planning area by promoting well designed, more pedestrian friendly, urban development patterns with a mix of uses and an efficient, creative use of land.

## **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 within the jurisdiction of the Billings Area Bikeways and Trail Master Plan. There is an existing trail on Rimrock Road. No additional improvements of this nature are 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 Suburban Neighborhood Residential (N3) zoning, and is currently undergoing a rezone process as a Planned Neighborhood Development (PND). The lot frontages shall conform to the requirements of this PND. 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 will be from 54 Street West. New internal accesses will provide circulation to individual lots.

**CONCLUSIONS OF FINDINGS OF FACT**

- The preliminary plat of Fifty Four West Subdivision 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, West Shiloh Area 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**

The Planning Board recommends to City Council that the preliminary plat of Fifty Four West Subdivision be conditionally approved and adopt the Findings of Fact as presented in the staff report.

Approved by the Billings City Council, May 22, 2023

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William A. Cole, Mayor