

## FINDINGS OF FACT

The Planning staff has prepared the Findings of Fact for the preliminary plat of Elysian 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 was used as farm land. Water rights will not be transferred to subdivision property owners. Existing ditches near this proposed development will remain in place. There is a ditch in the south west corner of the subdivision. Connection to Shackleford Lane will require modification to the ditch. 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. Phase 1 of Elysian Subdivision will construct a 12” water main in Road A north from Road B intersection to the northern boundary of Lots 2 and 5. Phase 1 will also include a 12” water main from the tee in Road B to the intersection of East Lane.

Phase 2 of the Elysian Subdivision will construction a 12” water main in Road A from the southern boundary of Lots 3 and 4 to the intersection with Elysian Road. The water main extension will turn east and run through Elysian Road and connect to the existing system near Elysian School within Elysian Road.

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. **(Condition #1)**

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

Sanitary sewer service will be provided by the City of Billings through a sewer main extension. Phase 1 of Elysian Subdivision will construct a 12” sewer main in Road A north from Road B intersection to the northern boundary of Lots 2 and 5.

Phase 2 of the Elysian Subdivision will construction a 12” sewer main in Road A from the southern boundary of Lots 3 and 4 to the intersection with Elysian Road.

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. **(Condition #1)**

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 and to on-site retention/detention ponds. An alternate road section has been proposed to mitigate storm drainage coming from the public roads.

All of the public stormwater infrastructure will be located within public easement or public ROW. Stormwater infrastructure located in the public ROW will be maintained by the City. Infrastructure, including piping and ponds, not in the ROW will be maintained by the Elysian Property Owner's Association.

Private lots will be required to mitigate stormwater from private development within private property boundaries.

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. **(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 in this proposed subdivision is from Elysian Road and East Lane. Access to each individual lot will be from the internal streets that are proposed with this subdivision. Road A will be a 70-foot-wide right of way, and built to a commercial road width standard. Road B currently will be providing a 35-foot-wide road dedication and they are in the process of obtaining a road easement from the property owner to the south.

East Lane and Elysian Road are both currently built to a county road standard. They are within a 60-foot-wide easement. This subdivision will be dedicating an additional 37 feet of right of way for both roads. Road improvements will not be required at this time but there will be a cash contribution to those roads and a future creation of a SID for widening those roads when the traffic warrants are met to trigger the need to widen them.

Further discussion and detail of proposed roads can be found in the SIA under the heading III Transportation.

A traffic study has been completed for this proposed subdivision and the applicant will be making contributions to the intersections and roads impacted by the additional traffic burden places on them. Those contributions will be outlined in the SIA and will be made to the City prior to final plat approval. **(Condition #2)**

Currently the streets within the subdivision are called out by Road A and Road B. All streets within the subdivision shall be named before final plat. **(Condition #3)**

Sidewalks will be installed at the time of individual lot development. All sidewalks will be boulevard type walks with 5-foot wide boulevard sidewalks. The applicant will add language to the SIA that requires a minimum of 3 connections from the lots that share a common lot line with Elysian school to the school grounds. **(Condition #4)**

- 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 605 South 24<sup>th</sup> Street West (Station #5).

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** – Elysian School provides service to students within this subdivision for K through 8. School District #2 provides service to students within this subdivision from high school (West High School). School District #2 responded stating West High School is over capacity at this time.
- g. **Parks and Recreation** – There is not parkland dedication requirement for this subdivision. Minor subdivisions are not required to provide parkland. (76-3-621(3(c), MCA))
- 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. This is outlined in the SIA under the heading IX Postal Delivery. **(Condition #5)**

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

The subject property is relatively level land adjacent to expanding suburban development to the east. A geotechnical study was performed for lot 1 within the subdivision, a summary of the information from that study is included in the SIA under the heading X. Soils/Geotechnical Study. The SIA recommends those developing lots 2-5 have a

geotechnical study done prior to construction. 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 farm land 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.

#### **6. Phasing of the Subdivision**

The subdivider is proposing to build the subdivision in two phases. Phase one lots will be available for sale and buildings with the final approval of the proposed subdivision. Phase two is planned to be open on or before June 1, 2028.

Each phase is outlined in the SIA under the heading, XI Phasing of Improvements.

### **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:

**Strong Neighborhoods (livable, safe, sociable and resilient neighborhoods):**  
Neighborhoods that are safe and attractive and provide essential services are much desired.

**Essential Investments (relating public and private expenditures to public values)** Planning and construction of safe and affordable interconnected sidewalks and trails are important to the economy and livability of Billings.

#### **2. 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.

### **3. Billings Area Bikeway and Trail Master Plan (BABTMP)**

The proposed subdivision lies within the jurisdiction of the BABTMP. The BABTMP shows future trails along Elysian Road and East Lane. There are no 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 a PD zoning district. All building development on the lots shall comply with the PD zoning when applying for a building permit. The underlying zoning is Highway Commercial and Controlled Industrial. The PD was put in place before the new zoning code was adopted and remains as the previous code.

#### **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 Elysian Road and from East Lane. All streets are dedicated to the public as shown on the plat.

### **CONCLUSIONS OF FINDINGS OF FACT**

- The preliminary plat of Elysian Subdivision 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 is forwarding to the City Council, the preliminary plat of Elysian Subdivision, recommending conditional approval and adoption of 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