

## FINDINGS OF FACT

The Planning staff has prepared the Findings of Fact for the preliminary plat of Annafeld Subdivision, 6th Filing. 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 will consist of new 12 -inch water main in Street 1 (temporary name), East Lane and in a portion of St. Peter Lane (north of Street 1 (temporary name)). 8-inch water mains will be installed in the remaining streets in Annafeld Subdivision, Sixth Filing. 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. Sanitary sewer service to Annafeld Subdivision, 6th Filing Phase 1 and Phase 3 will be provided by connecting to the existing 8-inch gravity sanitary sewer mains located in Eva Marie Lane, St Peter Lane, and Johannis Meadow Lane. Sanitary sewer service to Annafeld Subdivision, 6th Filing Phase 2 will be provided by connecting to existing sanitary sewer manhole located at the intersection of East Lane and Tun Tavern Road and extending 18-inch sanitary sewer main to the south boundary of Annafeld Subdivision, 6th Filing in East Lane. 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. The private utility facilities will be installed within the Carriage Lane right-of-way and by easements

included on the plat, as requested by the utility companies, to provide routes to the Carriage Lanes.

**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 will be accessed East Lane, Eva Marie Lane, St Peter Lane, and Johanns Meadow Lane. All of these streets are developed rights of way. All internal streets and carriage streets will be built according to the standards of the City of Billings Public Works Department. Street improvements are included in the Waiver of Right to Protest Future Special Improvement Districts.

The sidewalks will be installed by the respective lot owners 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. The developer shall construct the 5-foot-wide boulevard sidewalk adjacent to private park (north/east side of Lot 27, Block 35) at the time of private park development. This information is all in the SIA under the heading Transportation.

The proposed roads of this subdivision shall be named with the approval of the Land Management Coordinator, and the approved names shall appear on the Plat, SIA, and supporting documents. **(Condition #1)**

Findings of the Traffic Impact Study:

- Development is 49 single-family lots and 22 townhomes in phase 1 and an additional 15 single-family lots in phase 2 generating a total of 762 average weekday trips in the full buildout.
- Studied intersections were: Mallowney Ln & Midland Rd/S Frontage Rd, South Frontage Rd & East Ln, Elysian Rd & S Frontage Rd, Elysian Rd & East Ln, Elysian Rd & Walter Creek Blvd, and Mallowney Ln & Elysian Rd
- Conclusions and Recommendations:
  - Study intersections are anticipated to operate similarly to existing conditions at the time of full buildout.
  - A northbound right-turn lane is warranted at the Elysian Rd/S Frontage Rd intersection, and a westbound left-turn lane is projected to be warranted at East Ln & S Frontage Rd by 2028. The warranted turn lanes would have little to no impact on capacity operations. These improvements are on

streets under Montana Department of Transportation jurisdiction. The City has sent the information to MDT for consideration and comment.

- o Intersection contributions (to be spent at their respective intersection at a future date) are as follows:
  - Mallowney Ln & Midland Rd/S Frontage Rd = \$7,875
  - Mallowney Ln & Elysian Rd = \$9,360
  - Elysian Rd & East Ln = \$4,500
  - Elysian Rd & S Frontage Rd = \$3,555
  - S Frontage Rd & East Ln = \$1,575

- d. **Emergency Services** – The Billings Police and Fire Departments will respond to emergencies within the proposed subdivision. The nearest fire station, Fire Station #5, is located at 605 S 24<sup>th</sup> Street West, which is 2.87 road miles, or 6 minutes away. The subdivision is located within the ambulance service area of American Medical Response (AMR).
- e. **Schools** – Elysian School (School District #23) provides service to students within this subdivision for elementary and middle school. School District #2 provides service to students within this subdivision for high school (West High School). Elysian School did not respond. School District #2 responded stating West High School is over capacity at this time, with 2176 students attending out of a maximum capacity of 1731 students.
- f. **Parks and Recreation** – This subdivision is part of a master planned development. The parkland dedication has been met through the dedication of private park area within Annafeld Subdivision, Sixth Filing and with additional public and private park dedication with Annafeld Subdivision, First, Second, Third, Fourth and Fifth Filings.
- g. **Mail Delivery** - The developer shall coordinate with the United States Postal Service to determine the preferred type and location of mail delivery system for this subdivision. **(Condition #2)**
- h. **Phasing of Development** – The applicant is proposing to phase this subdivision. There are three (3) phases being proposed. Associated infrastructure for each phase shall be installed in accordance with emergency service standards and City of Billings Public Works standards. Infrastructure installation, phase opening dates, and lots included in each phase are within the SIA.

<b>Phase</b>	<b>Lots</b>	<b>Timeline</b>
Phase 1	Block 22, Lots 15 through 24 Block 27, Lots 4 through 11 Block 33, Lots 25 through 34 Block 34, Lots 1 through 13 Block 35, Lots 19 through 27	Immediately
Phase 2	Block 33, Lots 35 through 38 Block 35, Lots 1 through 18	November 1, 2030

Phase 3	Block 26, Lots 10 through 12 Block 33, Lots 39 through 42 Block 36, Lots 1 through 8	November 1, 2030
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**3. Effect on the natural environment**

The subject property is currently vacant with the proposed use of residential development. The property is not located within 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 public health, safety and welfare**

There will be no significant 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.

**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.

**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.

Developed parks that provide recreation, special amenities (community gardens, dog parks, viewing areas), and active living opportunities are desirable for an attractive and healthy community.

### **3. 2023 Billings Urban Area Long Range Transportation Plan**

The proposed subdivision adheres to the goals and objectives of the 2023 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. A 5.5-foot-wide bike lane has been identified on the east side of East Lane adjacent to this subdivision. However, the bike lane improvements will not be installed as part of this subdivision. 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 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 Annafeld Planned Development 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.

There is a concurrent Annexation Petition (AN-24-05) for the portions of this subdivision still outside city limits.

#### **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 East Lane, Eva Marie Lane, St Peter Lane, and Johannis Meadow Lane. New internal accesses will provide circulation to individual lots.

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

- The preliminary plat of Annafeld Subdivision, 6th 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 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 Annafeld Subdivision, 6th Filing be conditionally approved and the Findings of Fact adopted as presented in the staff report.

Approved by the Billings City Council, February 24, 2025

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William A. Cole, Mayor