

## FINDINGS OF FACT

The Planning staff has prepared the Findings of Fact for the preliminary plat of High Sierra Subdivision, 23<sup>rd</sup> 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 currently vacant. 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 an existing 8” water main stub in Montecito Avenue and an existing 12” water main stub in Annandale Road. 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 10-inch diameter sewer main located in Annandale Road and in the right-of-way on the west side of Chino Circle. 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 utilities will be installed within the public right-of-way, subject to the approval of the City Engineer.

**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 accessed by Annandale Road & Montecito Avenue. Montecito Avenue will be constructed within a 56-foot right-of-way using curb and gutter and full-width pavement (34-foot back of curb to back of curb). Annadale Road shall be dedicated as a minor arterial street and shall be located within an existing 80-foot wide right of way and have a street width of 39-foot back of curb to back of curb. All internal roads of the subdivision will be built to current City standards, as described in the SIA. 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. This information is all in the SIA under the heading III, Transportation.

Street lighting is required for this subdivision. It is anticipated that street lighting will be installed by private contract or SID. A Street Light Maintenance District will be created for operation and maintenance of the lighting at a future date and is included in the waiver of right to protest.

**Traffic Impact Study overview:**

A Traffic Impact Study (TIS) was completed for High Sierra Subdivision, 23<sup>rd</sup> Filing. All required intersection improvement contributions identified therein shall be completed by the Subdivider at the Subdivider’s expense. The percent of traffic contributions to the following intersections shall be in accordance with the Traffic accessibility study:

<b>Intersection</b>	<b>% Contribution</b>
<i>Annandale Road/ Riveroaks Drive</i>	0.79 %
<i>Annandale Road/ St. Andrews Drive</i>	0.88 %
<i>Sierra Granda Boulevard/ High Sierra Boulevard</i>	0.17 %
<i>Sierra Granda Boulevard/ Gleneagle Boulevard</i>	0.61 %
<i>Alkali Creek/ Skyway Drive</i>	0.25 %
<i>Wicks Lane/ Skyway Drive</i>	0.26 %
<i>Wicks Lane/ High Sierra Boulevard</i>	0.17 %
<i>Wicks Lane/ Fantan Street</i>	0.09 %
<i>Wicks Lane/ Governors Boulevard</i>	0.58 %
<i>Wicks Lane/ Lake Hills Drive</i>	0.17 %
<i>Wicks Lane/ St. Andrews Drive</i>	0.70 %

The cash contributions shall be based on the percentage of traffic contributions to the intersections based on the total cost of an intersection as determined. The contributions will be made at the time of final plat, as described in the SIA under heading III.D, Traffic Control Devices.

- d. **Emergency Services** – The Billings Police and Fire Departments will respond to emergencies within the proposed subdivision. The nearest fire station, Fire Station #6, is located at 1601 Saint Andrews Drive. 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. Schools serving these students are Eagle Cliffs Elementary, Castle Rock Middle School, and Skyview High School. Castle Rock Middle School is currently over capacity, and Eagle Cliffs Elementary & Skyview High School are slightly under capacity.
- f. **Parks and Recreation** – This subdivision requires a parkland dedication of 0.809 Acres. The parkland requirements will be met with a cash-in-lieu contribution, to the satisfaction the Parks Department.
- 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 land with the proposed use of residential development. 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 public health, safety and welfare**

There will be no significant detrimental 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:

**Essential Investments:** Infill development and development near existing City infrastructure may be the most cost effective.

**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.

**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. 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. There are no existing trail improvements in or near this subdivision, nor are additional improvements 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 N3 zoning. The lot frontages conform to the requirements of this zone. Block length, section, and perimeter requirements have been met. 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 Annandale Road & Montecito Avenue. New internal access will provide circulation to individual lots.

**CONCLUSIONS OF FINDINGS OF FACT**

- The preliminary plat of High Sierra Subdivision, 23<sup>rd</sup> 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 Heights 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**

Staff recommends to the Planning Board to recommend to the City Council that the preliminary plat of High Sierra Subdivision, 23<sup>rd</sup> Filing be conditionally approved and adopt the Findings of Fact as presented in the staff report.