

## **FINDINGS OF FACT**

The Planning staff has prepared the Findings of Fact for the preliminary plat of High Sierra Subdivision, 22<sup>nd</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 was used for agricultural purposes. There are no permanent irrigation ditches, filed laterals, or irrigation easements that exist on the subject property. 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. There are 12-inch water mains in High Sierra Boulevard, one at the current end of Vesca Way and one at the current end of Madrid Drive. The applicant will extend the 12-inch water main in High Sierra Boulevard, Madrid Drive and Vesca Way north of Madrid Drive. 8-inch water line will be installed in all other local interior street of the proposed subdivision. Mains and services will be approved by the Engineering Division and shall be installed in conformance with the design standards, specifications, rules and regulations of the City of Billings and Montana Department of Environmental Quality. **(Condition #1)**

Sanitary sewer service will be provided by the City of Billings. The Subdivider will connect to an existing 12-inch sewer main located in Madrid Drive and an existing 8-inch sewer main located in Vesca Way. Those sewer lines will be extended in the current streets. An 8-inch sewer main will be extended in all other proposed streets in the subdivision. Sewer services shall be reviewed and approved and built in accordance with design standards, specifications, rules and regulations of the City of Billings Public Works Department and MDEQ. **(Condition #1)**

Private utility companies will provide services to the subdivision. Any easement required by a private utility company will be coordinated with the subdivider and the utility company.

**Stormwater** – Stormwater drainage for the public streets is proposed to be provided by curb and gutters that discharge into storm water pipes. This will drain to underground storm drains, and with discharge to a stormwater detention facility that is located within an off-site area on Lot 17, Block 6, High Sierra Subdivision, 11th Filing generally north of the future projection of Gleneagles Boulevard designated for storm water detention. This subdivision 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. A Stormwater Report will be submitted for review and approval by City Engineering at the time of individual lot development. **(Condition #1)**

Storm water management with this subdivision also included the requirement of the finished floor elevation (FFE) being a minimum of 18 inches above the back or curb in front on the house. Under the heading Property Conditions and Information for Lot Purchasers, G 1 there are certain lots that require specific FFE to prevent storm damage under normal storm events. Those numbers will be determined and included in the SIA before final plat. **(Condition #2)**

The drainage system improvements will be in accordance with the recommendations of the stormwater analysis and report prepared and submitted with the improvement plans and specifications. Maintenance of the stormwater detention area and associated drainage facilities shall be by the High Sierra Subdivision HOA.

- 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 lots within the subdivision will be served by new proposed streets. 60<sup>th</sup> Street West, Little River Loop, Buffalo Crossing Drive, Snake Butte Way, White Clay Drive, and Stockman Avenue. These streets will be built to grade with a satisfactory subbase, base course, curb and gutter, and asphalt surface. The design section of said streets shall be submitted to, and approved by, the City Engineer prior to construction.

A traffic impact study has been completed for High Sierra Subdivision, 22<sup>nd</sup> Filing. All required intersection improvement contributions identified therein shall be completed by the Subdivider at the Subdivider’s expense. A table in the SIA under the heading Transportation D Traffic Control Devices shows the required contributions to surrounding intersections.

High Sierra Boulevard, Vesca Way and Madrid Drive provide access to the subdivision. High Sierra Boulevard is located in a 74-foot-wide right-of-way and has a street width of 49-foot back of curb to back of curb. High Sierra Boulevard is classified as a collector road. Vesca Way and Madrid Drive are located within a 56-foot right-of-way and have a width of 34-feet back of curb to back of curb.

The sidewalks will be installed by individual lot owners when the lots are developed. All sidewalks will be 5-feet-wide with a 5-foot-wide boulevard behind the curb to the edge of the sidewalk.

- d. **Emergency services** – The Billings Police and Fire Departments will respond to emergencies within the proposed subdivision. The fire station serving this area is

located at 1601 Saint Andrews Drive (Station #6). The subdivision is located within the ambulance service area of American Medical Response (AMR).

- e. **Schools** –This subdivision could be developed with residential uses. 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. Response from School District #2 was not received before this staff report was written. Past correspondence with School District #2 shows all these school as near maximum capacity or over.
- f. **Parks and Recreation** – Residential subdivisions are required by City of Billings Subdivision Regulations to provide parkland for the residents of the subdivision. This subdivision is required to provide 1.7323 acres of parkland dedication, they are proposing to provide a cash in lieu contribution. There is a 5-acre City Park within this subdivision directly south and east of the proposed subdivision. The nearest connection to the park is from Vesca Way and Modera Avenue. There is an existing 5-acre park to the south east of the proposed subdivision. It is within easy walking distance to the proposed subdivision.
- g. **Mail Delivery** - The United States Postal Service will provide postal service to the subdivision. Location of mail delivery boxes will need to be coordinate with the developer and the postal service. **(Condition #3)**
- h. **Phasing of Development** - The applicant is not proposing to develop this subdivision in phases.

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

The subject property was formerly farmland. The area of this proposed subdivision does not have any flood history or water ways nearby that may flood. However, in the SIA under the heading Property Conditions and Information for Lot Purchasers, G the developer recommends building the finished floor elevation a minimum of 18 inches above the top of road curb. 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 wildlife 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 minimal 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)** Planning and construction of interconnected sidewalks and trails are important to the economy and livability of Billings.

**2. 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. High Sierra Boulevard is identified as a collector road, it will be built to the standards of a collector through this subdivision.

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

There is a future trail identified on High Sierra Boulevard. With the construction of the street, and its width, the trail would be on street and identified with paint markings.

**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. The lot frontages conform to the requirements of these zonings. 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 provided utility easements as requested by private utility companies. Those easement will be shown 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 existing roads and new roads within the proposed subdivision.

**CONCLUSIONS OF FINDINGS OF FACT**

- The preliminary plat of High Sierra Subdivision, 22<sup>nd</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 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 the Planning Board forwards a recommendation to the City Council that the preliminary plat of High Sierra Subdivision, 22<sup>nd</sup> Filing, be conditionally approved and adopt the Findings of Fact as presented in the staff report.