

FINDINGS OF FACT

The Planning staff has prepared the Findings of Fact for the preliminary plat of Annafeld Subdivision, 7th 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 but was part of the Annafeld 5th Filing, Phase 2. 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 Annafeld Subdivision water system consists of a series of looped water mains located in each of the local streets. The subdivision water system will consist of new 8-inch water main in all streets within Annafeld Subdivision, Seventh Filing. Future filings of the Annafeld Planned Development will provide the opportunity to make additional connections to the trunk main in Elysian Road providing water main looping.

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 to Annafeld Sub., Seventh Filing will be provided by connecting to the existing 8-inch gravity sewer main located in Rosemary Road at Annafeld Parkway East and Annafeld Parkway West. There is an existing 10-inch sewer main located in Centennial Farm Road, from St. George Boulevard to Annafeld Parkway E., and extends north in Annafeld Parkway E. to Farmstead Avenue. 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 – The storm drainage system for Annafeld Subdivision, Seventh Filing will consist of a curb and gutter surface collection and curb inlets that drain into storm drainage piping, as well as surface conveyance. The storm drain piping will discharge into existing storm drain piping and to an existing mechanical stormwater filtration manhole, then into Hogan’s Slough. All 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** – All internal streets (excluding Annafeld Parkway East and Annafeld Parkway West) within the subdivision shall be built to grade with a satisfactory subbase, base course, curb and gutter, and asphalt surface. All public roads will be built to provide a 34-foot back-to-back curb street width.

Annafeld Parkway East and Annafeld Parkway West will be designed for one-way traffic with 45-degree turn-in parking on one side of the drive aisle and parallel parking on the other side. Total width of Annafeld Parkway East and West will be 45.25-feet back of curb to back of curb. Each street will consist of 8.5-foot width for parallel parking space, 20-foot-wide drive aisle and 16.75-foot width for the 45-degree turn-in parking.

All internal streets and carriage lanes 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 on Lot 1, Block 28; Lot 1 (north, east, and west sides) and Lots 25 and 34, Block 18 at the time of private park development. This information is all in the SIA under the heading Transportation.

Findings of the Traffic Impact Study:

A traffic accessibility study update has been completed for the Annafeld Subdivision, Seventh Filing. All required intersection improvement contributions identified therein shall be completed by the Subdivider at the Subdivider’s expense. However, Annafeld Subdivision 7th Filing was previously Annafeld Subdivision, 5th Filing, Phase 2 and intersection contributions were previously made for the 5th Filings Phase 2. Based on the TIS update, the intersection contribution previously made for Annafeld Subdivision, 5th Filing Phase 2 are adequate for the impacts from Annafeld Subdivision, 7th Filing. No additional intersection contributions are required. Traffic for Annafeld 7th Filing is actually less than the traffic anticipated with Annafeld 5th Filing Phase 2.

Street lighting is required for this subdivision. It is anticipated that street lighting will be installed for Seventh Filing 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.

- 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 24th Street West. 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 through middle school. Elysian school has additional capacity for students. School District #2 provides service to students within this subdivision for high school (West High School). School District #2 responded stating West High School is over capacity at this time.
- f. **Parks and Recreation** – This subdivision is part of a master planned development. The parkland dedication has been met through the dedication of a public park near the river and private parks throughout Annafeld Subdivision. Parkland has been provided with Annafeld Subdivision Filings 1 through 6. Annafeld 7th Filing is part of Annafeld 5th filing. The 5th filing provided parkland. That park land will meet the required amount for the 7th Filing.
- 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 #1)**
- h. **Phasing of Development** – This subdivision will not be developed in phases.

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 Billings Area Bikeways and Trail Master Plan. There are no trails identified within the subdivision. There is currently a 10 wide bike and pedestrian trail along the south side of Elysian Road that goes from Elysian School to Muldowney Lane. 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.

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 to the subdivision will be provided by Farmstead Avenue, Centennial Farm Road, and Rosemary Road. Carriage Lane access is also provided to residential lots within the subdivision.

CONCLUSIONS OF FINDINGS OF FACT

- The preliminary plat of Annafeld Subdivision, 7th 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 proposes the Planning Board recommend to City Council that the preliminary plat of Annafeld Subdivision, 7th Filing be conditionally approved and the Findings of Fact adopted as presented in the staff report.