

## FINDINGS OF FACT

The Planning staff has prepared the Findings of Fact for the preliminary plat of Central Avenue Subdivision. 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 Agricultural. 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 comes from Central Avenue. 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 main in Central 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. No additional easements on the lot frontage have been requested.

**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.

- a. **Streets** – The subdivision is adjacent to Central Avenue and Broadwater. Both of these streets are developed rights of way. A westbound right turn lane on Central Avenue at Road A will be constructed as part of Phase I of the Subdivision improvements. Eastbound left turn lanes will be constructed as part of Phase II of the Subdivision improvements. No other street improvements are anticipated at this time. Street improvements are included in the Waiver of Right to Protest Future Special Improvement Districts.

The sidewalks will be installed by the respective lot owner 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 Transportation.

- b. **Emergency Services** – The Billings Police and Fire Departments will respond to emergencies within the proposed subdivision. The nearest fire station is Station #7 approximately 2.20 road miles or 5 minutes driving time to the subject property. The subdivision is located within the ambulance service area of American Medical Response (AMR).
- c. **Schools** – School District #2 provides educational services to elementary through high school students. Meadowlark Elementary School will provide educational services for elementary students, with 644 enrolled students out of a capacity of 460 students. Ben Steele Middle School will provide educational services for middle school students, with 738 enrolled students out of a capacity of 750 students. West End high school will provide education services for high school students, with 2176 enrolled students out of a capacity of 1731 students.
- d. **Parks and Recreation** – This subdivision is part of a planned neighborhood development. The parkland requirements have been met with the previous filing of the subdivision.
- e. **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**).
- f. **Phasing** – The subdivision is proposed to be constructed in phases as defined below. Public improvements associated with these phases shall be constructed or monetarily guaranteed prior to opening the phase (**Condition #2**).

- Phase 1: Lot 1, Block 1 & Lot 1, Block 3
- Phase 2: Lots 1-4, Block 1; Lot 2, Block 2; Lots 2-3, Block 3

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

The subject property is currently agricultural with the proposed use of commercial and 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 the 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:

##### **A. Essential Investments:**

- a. Infill development and development near existing City infrastructure may be the most cost-effective.
- b. Neighborhoods that are safe and attractive and provide essential services are much desired.
- c. Mobility and Access (transportation choices in places where goods and services are accessible to all).

##### **B. Prosperity:**

- a. Community investments that attract and retain a strong, skilled, and diverse workforce also attracts businesses.

**C. Strong Neighborhoods;**

- a. Walkable neighborhoods that permit convenient destinations such as neighborhood services, open space, parks, schools, and public gathering spaces foster health, goodwill and social interaction.
- b. Neighborhoods that are safe and attractive and provide essential services are much desired. Implementation of the Infill Policy is important to encourage the development of underutilized properties.

**2. West End Area Plan**

The proposed subdivision is consistent with the following goals of the West End Area Plan.

• **Planned Growth**

- Conserving land and natural resources by limiting sprawl (unplanned and unmanaged growth) through achieving more compact development.
- Reserving key land parcels for parks and open space.
- Having mixed land use to allow shorter automobile trips, more walking, and less automobile reliance.

**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. An 8-foot wide asphalt trail will be constructed as adjacent lots are developed east of Road A and Road C and north of Road B east of the intersection of Road B and Road C.

**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 PND – Planned Neighborhood 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. Future development is intended to be developed within a

Master Site Plan, which would likewise conform to the zoning requirements. Development within the Master Site Plan process shall conform to block dimension standards (**Condition #3**).

**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.]**

Phase 1's legal and physical access is provided to the proposed will be from Central Avenue. Phase 2's legal and physical access is provided to the proposed will be from Central Avenue & Broadwater Avenue. New internal access will provide circulation to individual lots.

**CONCLUSIONS OF FINDINGS OF FACT**

- The preliminary plat of Central Avenue Subdivision 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 nor West End 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**

The Planning Board recommends to City Council that the preliminary plat of Central Avenue Subdivision be conditionally approved, the variances accepted and adopt the Findings of Fact as presented in the staff report.