

## FINDINGS OF FACT

The Planning staff has prepared the Findings of Fact for the preliminary plat of 44 West Subdivision, 3<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 has been used for agricultural purposes in the past. The Monad Drain is to the south of this proposed subdivision and is not part of the proposed area to be subdivided. 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. With farming activity wildlife habitat has not been maintained. Perimeter areas are good for birds to hide in and smaller ungulates, such as deer.

### 2. Effect on local services

- a. **Utilities** – Water service will be provided by the City of Billings. A 16-inch water main will be extended along Central Avenue for the proposed subdivision. 12-inch and 8-inch water lines will be provided within the proposed subdivision. 12-inch in the northern area and 8-inch throughout the majority of the subdivision. New individual services will be provided to all the lots, and new fire hydrants will be installed as required by the City Fire Department.

Sanitary sewer service to the subdivision will be by an existing 10-inch sanitary sewer main located within the alleyway along the western boundary at the south end of the Subdivision. The Subdivider is responsible for extending an 8-inch gravity sewer main to Central Avenue via South 44th Street West to allow for future connections to the north of the Subdivision. Sewer lines within the subdivision shall be no smaller than 8-inches in diameter.

The subdivider will install all new water lines and sewer 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.'

Private Utilities will be provided from existing facilities to the subdivision. The private utilities 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 44 West Subdivision, 3<sup>rd</sup> Filing, will consist of a curb and gutter surface collection and curb inlets that drain into storm drainage piping,

as well as surface conveyance. Stormwater drainage will discharge to a drainage ditch constructed as part of the 44 West Subdivision, 1<sup>st</sup> Filing private contract. The ditch conveys stormwater drainage south to a stormwater detention facility that is located within an off-site area on Tract 3, Certificate of Survey No. 3844. This detention facility has been sized to accept runoff generated from the 44 West Subdivision, 3<sup>rd</sup> Filing. The detention facility will outfall to the Monad Drain as described in the Comprehensive Drainage Plan for the Monad Drain. The Subdivision will be allowed to discharge stormwater into the Monad Drain as part of its stormwater management strategy. Complete information about the stormwater drainage plan is outlined in the SIA under the heading ‘V. Storm Drainage.’

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 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.

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 parks. This information is all in the SIA under the heading ‘III. Transportation.’

**Traffic Impact Study overview:**

A traffic accessibility study has been completed for the 44 West Subdivision, 1<sup>st</sup> through 3<sup>rd</sup> Filings. 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 which includes the 3<sup>rd</sup> Filing:

- a. S. 48th and Central – 0.20%
- b. Shiloh and Broadwater – 0.40%
- c. Shiloh and Central – 1.40%
- d. Shiloh and Monad – 0.30%
- e. Central and S 44th West – 2.10%

The cash contributions shall be based on the percent of traffic contributions to the intersections based on the total cost of an intersection as determined by City Engineering for the year in which the contribution is made. These cash contributions for the 44 West Subdivision, 3<sup>rd</sup> Filing, intersection improvement will be made prior to final plat approval.

A left turn lane on Central Avenue at the Double Haul Lane intersection is required to be constructed with this subdivision.

Street lighting is required for this subdivision. In the SIA the applicant has indicated 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. This is outlined in the SIA under the heading 'III. Transportation, D. Street Lighting.'

- d. **Emergency Services** – The Billings Police and Fire Departments will respond to emergencies within the proposed subdivision. The fire station that provides service for this area is Fire Station #7, is located at 1501 54<sup>th</sup> Street West. The subdivision is located within the ambulance service area of American Medical Response (AMR).
- e. **Schools** – School District #2 provides service to students within this subdivision for elementary through high school. Big Sky for elementary school, capacity is shown as 394 with a current enrollment of 368. Ben Steele for middle school, capacity is shown as 750 with a current enrollment of 744. West for high school, capacity shown as 1731 with current enrollment of 2133.
- f. **Parks and Recreation** – This subdivision is required to provide 0.33 acres of parkland. The applicant will be providing no additional parkland. Parkland dedications have been made in previous filings (2.36 acres). To meet the total 44 West Development's dedication requirements to this point in the development is 2.19 acres. No additional parkland is being dedicated with this Subdivision, they have already met the requirements up to this point.
- 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. This requirement is outlined in the SIA under the heading 'VIII. Postal Delivery.'
- 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 with a small portion of possible commercial 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 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 a 10-foot-wide bike and pedestrian trail already built along the south side of Central Avenue. This was installed with previous filings of 44 West 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 NX1 Mixed Residential 1 (1 to 4 units). 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 Central Avenue, South 44<sup>th</sup> Street West and Tippet Trail and Road E (temporary name). Carriage Lane access is also provided to residential lots within the subdivision.

**CONCLUSIONS OF FINDINGS OF FACT**

- The preliminary plat of 44 West Subdivision, 3<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 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 recommends to City Council that the preliminary plat of 44 West Subdivision, 3<sup>rd</sup> Filing, be conditionally approved and the Findings of Fact adopted as presented in the staff report.