

## Sheldon Wolf Subdivision Findings of Fact

Staff is forwarding the recommended Findings of Fact for Sheldon Wolf Subdivision for review and approval by the City Council. 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 23-304(c), BMCC).

### **A. What are the effects on agriculture, local services, the natural environment, wildlife and wildlife habitat and public health, safety and welfare? [MCA 76-3-608 (3) (a) and (23-302(H)(2), BMCC)]**

#### **1. Effect on agriculture and agricultural water user facilities**

The subject property was previously used for residential uses and has been cleared for redevelopment. The BBWA ditch is located on the south side of the property within a previously prescribed easement as shown on the plat. The subject property does not have water rights to the ditch but must preserve the easement as it exists on proposed Lot 16-C-2. Overall, there is no anticipated effect on irrigation facilities or agriculture in the area.

#### **2. Effect on local services**

- a. **Utilities** – Individual water services for the proposed subdivision shall come from the existing 8-inch main located in Pemberton Lane. One service line already exists and will be used by Lot 16-C-1. A new service line will be created for Lot 16-C-2.

Sewer services are to be provided from an existing 8-inch main located on the west side of Lot 16-C-2. This main is preserved within an existing 20-foot wide sewer line easement. One service exists and will be used by Lot 16-C-1; a new service will be created for Lot 16-C-2.

Private utilities such as electric and gas are currently available to the lots. The property is served by Yellowstone Valley Electric Cooperative, and Montana Dakota Utilities.

- b. **Storm water** – Storm water management improvements will be evaluated at the time of lot development. All drainage improvements shall comply with the provisions of the 2011 City of Billings Storm Water Management Manual. A Storm Water Pollution Prevention Plan (SWPPP) will not be required, but Best Management Practices will be required at the time of lot development to mitigate any construction related storm water pollution. It is recommended that a note be added to Section V. Storm Drainage, of the final SIA (**Condition #1**).
- c. **Solid waste** - The City of Billings will provide solid waste collection and disposal. The City's landfill has adequate capacity for this waste.
- d. **Streets** – Pemberton Lane fronts the north side of the subject property. It is identified as a Collector street on the Billings Urban Area Functional Classification Map, for which a minimum of 74 feet of right-of-way is required. The right-of-way width at this location is

80 feet, so no additional dedication is needed with this plat. The north side of Pemberton Lane is fully developed with curb, gutter, and boulevard sidewalk. However, the south side fronting the subject property has not yet been improved. City Engineering staff indicates that this side will be improved as part of a larger improvement project funded by a Special Improvements District (SID) in the future, and recommends that the developer sign a waiver of rights to protest SIDs in order to insure participation in this future project. Notes to this effect are included in the SIA, and a Waiver will be signed with the final plat documents.

- e. **Emergency services** - The Billings Police and Fire Departments will respond to emergencies within the proposed subdivision. The nearest fire station is located at the corner of Wicks Lane and St. Andrews (Station #6) and fire hydrants are adjacent to the property on Pemberton Lane. The subdivision is located within the ambulance service area of American Medical Response.
- f. **Schools** –Schools serving the property are Beartooth Elementary, Castle Rock Middle, and Skyview High. No comments were received from the schools at the time that this report was written, but the addition of two duplexes should have a minimal effect on schools.
- g. **Parks and Recreation** - A parkland dedication is not required, as this subdivision is creating only one additional lot (23-1008.E., BMCC).
- h. **Mail Delivery** - The United States Postal Service already serves the lot. The location of any new mailboxes shall be reviewed and approved by the post office at the time of installation.

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

The proposed subdivision should have only minor effects on the natural environment, as there will be short term air and noise pollution associated with construction on the property. The subject property is not within a flood plain.

### **4. Effect on wildlife and wildlife habitat**

The proposed subdivision should not affect wildlife or habitat. There are no known endangered or threatened species on the property.

### **5. Effect on the public health, safety and welfare**

The subdivision should not negatively affect public health or safety. The subject property is not within a mapped floodway or flood zone. All building codes will be reviewed for compliance at the time of lot development. There are no obvious threats to public health, safety or welfare.

## **B. Was an Environmental Assessment required? (76-3-210, MCA) (23-901, BMCC)**

The proposed subdivision is exempt from the requirement for an Environmental Assessment pursuant to Section 76-3-210, MCA and 23-901, BMCC.

**C. Does the subdivision conform to the Yellowstone County-City of Billings 2008 Growth Policy Update, the Urban Area Transportation Plan, 2009 Update, and the Heritage Trail Plan? (23-301, BMCC)**

**1. Yellowstone County-City of Billings 2008 Growth Policy Update**

The proposed subdivision is consistent with the following goals of the Growth Policy:

- a. **Goal: Predictable land use decisions that are consistent with neighborhood character and preferred land use patterns identified in neighborhood plans. (p. 6).**
- b. **Goal: Contiguous development focused in and around existing population centers separated by open space (p. 6).**
- c. **Goal: More housing and business choices within each neighborhood (p. 6).**
- d. **Goal: Adequate affordable housing and living wage options for all citizens (p. 16).**

**2. Urban Area Transportation Plan Update 2009**

The proposed subdivision adheres to the goals and objectives of the 2009 Transportation Plan Update and preserves the street network and street hierarchy specified within the plan.

**3. Heritage Trail Plan**

The Heritage Trail Plan has identified Pemberton Lane as an on-street bike route. No new improvements will be required with this subdivision to meet the Trail Plan recommendations, however, a bike lane will be considered if/when improvements are made to this street in the future.

**D. Does the subdivision conform to the Montana Subdivision and Platting Act and to local subdivision regulations? [MCA 76-3-608 (3) (b) and (23-301, BMCC)]**

The proposed subdivision, with the proposed conditions, satisfies the requirements of the Montana Subdivision and Platting Act and conforms 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 subdivision conform to sanitary requirements? [(23-408, BMCC)]**

The property is served by the City of Billings' water, sewer and solid waste services.

**F. Does the proposed subdivision conform to all requirements of the zoning in effect? [(23-402, BMCC)]**

The subject property is located within the R-60 zoning district and the proposed lots and future uses will comply with the standards set forth in Section 27-309, BMCC. New development will be further reviewed for compliance upon building permit submittal.

**G. Does the proposed plat provide easements for the location and installation of any utilities? [MCA 76-3-608 (3) (c) and (23-410(A)(1), BMCC)]**

All main lines for utilities are already in place so new development will just need to tap into the existing lines. A twenty-foot wide utility corridor exists along the west side of Lot 16-C-2, which can be used to provide new services to this lot.

**H. 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 (23-406, BMCC)]**

Access to the subdivision shall be from Pemberton Lane. An existing approach will be used for Lot 16-C-1 and a new approach would be permitted for Lot 16-C-2, as reviewed and approved by City Engineering during the site development.

**CONCLUSIONS OF FINDING OF FACT**

- The preliminary plat of Sheldon Wolf Subdivision, does not create any adverse impacts that warrant denial of the subdivision.
- The proposed subdivision conforms to several goals and policies of the 2008 Growth Policy and does not conflict with the 2009 Transportation Plan Update or the Heritage Trail Plan.
- 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.

Approved by the Billings City Council, July 25, 2011.

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Thomas W. Hanel, Mayor