

Findings of Fact
Amended Lots 8 & 9A-5, Block 1, Montana Sapphire Subdivision

Staff is forwarding the recommended Findings of Fact for Amended Lots 8 & 9A-5, Block 1, Montana Sapphire 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 historically used for irrigated agricultural land but has been slated for commercial development since it was originally platted in 2002. With completion of the Shiloh Road corridor upgrades last year, this and surrounding properties are poised for further development and should not have an impact on agriculture production or activities in the area. The Shiloh Drain is located on the east side of the property within its own right-of-way. It will remain an open drain, and is owned by the City for storm water management. The subject property does not have water rights to other area ditches. 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 public main located at the intersection of Montana Sapphire Drive and Shiloh Road. Public Works- Engineering Division has requested that future lot owners be made aware that a meter vault will be required where a water service exceeds 250 feet from the public water main to where the water main enters the building. This has been recommended as a condition of approval (**Condition #2**). Additionally, a private 12-inch fire line exists in Montana Sapphire Drive and Kari Lane and fire hydrants will be provided as requested by the Fire Department. Lot owners will be responsible for extension of water services, hydrants, and water meter vaults at the time of lot development.

Sewer services are to be provided from an existing 8-inch private sanitary sewer main along the south side of Montana Sapphire Drive. The private main will be extended and individual services will be provided upon lot development, to serve all lots in this subdivision.

Private utilities such as electric and gas are available to the lots upon development. It is recommended that the utility companies be given the opportunity to review and approve the final easement placement (**Condition #1**).

- 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 also be required at the time of lot development to mitigate any construction related storm water pollution.

- 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** –Shiloh Road fronts the subject property's east side, and Montana Sapphire Drive divides the property with Lots 9A-5-1 and 9A-5-2 being on the north, and Lots 8A, 8B, and 8C on the south. Access to all 5 lots will be gained from Montana Sapphire Drive as a no-access easement is existing along Shiloh Road. The existing one-foot no-access easement along the south side of Montana Sapphire Drive will be decreased from 300 feet to 100 feet from Shiloh Road, in order to provide access to Lot 8B. This reduction in no-access easement would allow the new approach to potentially match up with the access point for Lot 9A-5-2 across the street. No improvements are needed for either Shiloh Road or Montana Sapphire Drive as a result of this subdivision.
- e. **Emergency services** - The Billings Police and Fire Departments will respond to emergencies within the proposed subdivision. The nearest emergency services stations are located at Grand Avenue and 54th St. West (Station #7) and near South 24th St. and Monad (Station #5). The subdivision is located within the ambulance service area of American Medical Response. The Fire Department will review hydrant needs for new development at the time of building permit review.
- f. **Schools** –Schools will be minimally affected by this subdivision as it is a commercial subdivision.
- g. **Parks and Recreation** - A parkland dedication is not required, as this is a commercial subdivision.
- h. **Mail Delivery** - The United States Postal Service indicated that a centralized delivery site will be required. The location of any new mailbox units shall be reviewed and approved by the post office.

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 subdivision is located near the corner of two arterial streets in a developed area of the City. Shiloh Drain is identified on draft West Billings Flood Study Area as a flood plain area, due to its low elevation. It will likely function as a storm water collection facility in the event of large storms. The subject property should not be affected, as it is outside of the 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. 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: Visually appealing rights-of-way that serve the needs of all modes of travel (p. 11).**

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 specified a multi-use trail along the Shiloh Road corridor, and this trail was constructed in recent years with the upgrades to the road. No new improvements will be required with this subdivision to meet the Trail Plan recommendations.

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 ELI and SSCOD zoning districts and complies 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. In case the new service lines cross property boundaries, **Condition #1** requires the subdivider to work with the City Engineering Division and the private utility companies to provide acceptable utility easements on the plat if necessary.

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 Montana Sapphire Drive. All internal shared driveways are covered under existing reciprocal access easements filed with the original plat.

CONCLUSIONS OF FINDING OF FACT

- The preliminary plat of Amended Lots 8 & 9A-5, Block 1, Montana Sapphire 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, August 8, 2011.

Thomas W. Hanel, Mayor