

## **Findings of Fact—Amended 4-A, Block 2, Goodman Subdivision, 4<sup>th</sup> Filing**

Staff is forwarding the recommended Findings of Fact for Amended 4-A, Block 2, Goodman Subdivision, 4<sup>th</sup> Filing 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 development since it was originally platted in 2004. The property is surrounded by other platted and developed lots used for a variety of commercial and residential uses. As such, development of this property should not have an impact on agriculture production or activities in the area. The subject property does not have water rights. 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 lots shall come from the existing main located in 41<sup>st</sup> Street West. There is an existing 4-inch water service serving Lot 4A-1, and a second separate service will need to be installed for Lot 4A-2, at the owner's expense at the time of lot development.

Sewer services are to be provided from an existing sewer main in 41<sup>st</sup> Street West. As with water, there is an existing sewer service serving Lot 4A-1, and a second separate service will need to be installed for Lot 4A-2, at the owner's expense at the time of lot development.

Private utilities such as electric and gas are available to the lots upon development. NorthWestern Energy has asked for a specific easement to be placed on the final plat on the shared lot line of the two lots (**Condition #1**). MDU has an existing gas line on the east side of the property, and does not need additional easements at this time.

- 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) may 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** – The subject property is located at the southeast corner of Avenue C and 41<sup>st</sup> Street West. All necessary right-of-way dedication was provided with the previous platting. Additionally, both streets are constructed to City standards. At the time of lot development, the property owner will be responsible for installing the standard five-foot wide boulevard style sidewalks.
- e. **Emergency services** - The Billings Police and Fire Departments will respond to emergencies within the proposed subdivision. The nearest emergency services station is located at Grand Avenue and 54<sup>th</sup> St. West (Station #7). 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 creating only one additional lot.
- h. **Mail Delivery** - The United States Postal Service did not respond to a request for comments by the time this report was written. 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 in an urban setting with storm water facilities. 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: More housing and business choices within each neighborhood (p.6).**

**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 subject property is within the jurisdiction of the Heritage Trail Plan, however, no on-street connectors or off-street trails are identified in the Plan within its boundary. 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 RP zoning district 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 a new utility easement to be shown on the final plat on the common boundary line between the two lots.

**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 Avenue C and 41<sup>st</sup> Street West.

**CONCLUSIONS OF FINDING OF FACT**

- The preliminary plat of Amended Lot 4-A, Block 2, Goodman Subdivision, 4<sup>th</sup> Filing, 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 22, 2011.

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Thomas W. Hanel, Mayor

