

Midland Subdivision, 1<sup>st</sup> Filing, Amended Lot 2, Block 1  
Findings of Fact

Staff is forwarding the recommended Findings of Fact for Amended Lot 2, Block 1, Midland Subdivision, 1<sup>st</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 agriculture land however it has been developed as a retail shopping center for many years. The subject property does not have any irrigation facilities within its boundaries, and therefore there are no anticipated effects on irrigation facilities or agriculture in the area.

**2. Effect on local services**

- a. **Utilities** – Lot 2A is already developed and has existing water services to it. Individual water services for the proposed Lot 2B shall come from the existing service stubbed off the public main located within King Avenue West. Lot owners will be responsible for extension of the water service and any required fire hydrants at the time of lot development.

Lot 2A also already has sanitary sewer services to it. Sewer services for proposed Lot 2B would be provided by tapping into an existing public sanitary sewer main within King Avenue West. This would be done by the lot owner upon lot development.

Private utilities such as electric and gas are already provided to Lot 2A, and would be available to Lot 2B upon development. Although utility easements exist as previously platted 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** –King Avenue West fronts the subject property's south side and a small extension of Lot 2A fronts South 24<sup>th</sup> Street West. From these accesses a network of

private interior roads is found within the subject property and reciprocal access easements are in place to ensure uninhibited use of them by all lots. No improvements are needed for King Avenue West or 24<sup>th</sup> Street West as a result of this subdivision. However, City Engineering has requested that a couple clarifications be made in the Subdivision Improvements Agreement in regard to access and sidewalk development (**Condition #2**). Internal road development and any needed updates to the existing Traffic Impact Study will be reviewed and approved at the time of lot development.

- e. **Emergency services** - The Billings Police and Fire Departments will respond to emergencies within the proposed subdivision. The nearest emergency services station is located near South 24<sup>th</sup> St. and Monad Rd. (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 may 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. The subject property is outside of the flood plain. A SWPPP will be implemented with lot development to ensure any exposed soils or other pollutants from the site are contained during storm events.

### **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? (76-3-616, MCA) (23-901, BMCC)**

The proposed subdivision is exempt from the requirement for an Environmental Assessment pursuant to Section 76-3-616, 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: New developments that are sensitive to and compatible with the character of adjacent City neighborhoods (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 Heritage Trail Plan does not identify any potential trail corridors within the vicinity of the subject property. 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 CI 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)]**

Many of the 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 South 24<sup>th</sup> Street West and King Avenue West, to the internal private streets. All internal shared streets or driveways are covered under existing reciprocal access easements filed with the original plat.

**CONCLUSIONS OF FINDING OF FACT**

- The preliminary plat of Amended Lot 2, Block 1, Midland Subdivision, 1<sup>st</sup> Filing, does not create any adverse impacts that warrant denial of the subdivision.
- The proposed subdivision conforms to some 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, October 24, 2011.

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Thomas W. Hanel, Mayor