

Findings of Fact
Montana Sapphire Subdivision, Amended Lot 4, Block 1

Staff is forwarding the recommended Findings of Fact for Amended Lot 4, 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 BMCC 23-303(H)(1)]

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 subject property does not have water rights to 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 main located in King Avenue West for both lots. Additionally, fire hydrants will be provided as requested by the Fire Department from an existing private 12-inch fire line. 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 6-inch service from King Avenue West via a new private main administered by a special service district, as allowed under Article 13-900, BMCC.

Private utilities such as electric and gas are available to the lots upon development.

- 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** – Montana Sapphire Drive, a private internal road, fronts the south and west side of the subject property. Drive approach locations 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 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. There will be short term air and noise pollution associated with construction on the property. Stormwater shall be managed in compliance with an approved plan and the property is outside of the flood plain. New development will need to follow recommendations of the geotechnical analysis to minimize any potential impacts from soil and groundwater conditions.

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. The property is within an expanding urban area.

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? [MCA 76-3-603 and BMCC 23-901]

The proposed subdivision is exempt from the requirement for an Environmental Assessment pursuant to Section 76-3-603, 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? [BMCC 23-303(H)(3)]

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. Billings Area Bikeway and Trail Master Plan

The Billings Area Bikeway and Trail Master Plan identifies a multi-use trail along the north side of King Avenue West. 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), BMCC 23-303(H)(2), and BMCC 23-602(A)]

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. Specifically, in order to meet the review requirements of the proposed subdivision for rent/lease on Lot 4B, **Condition #1** requires final site development review and approval prior to final plat approval. 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? [BMCC 23-408]

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? [BMCC 23-303(H)(2)(e)]

The subject property is located within the HC 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 subdivision for rent/lease plan review and building permit submittal (**Condition #1**).

G. Does the proposed plat provide easements for the location and installation of any utilities? [MCA 76-3-608(3)(c) and BMCC 23-303(H)(2)(b)]

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 utility easements shall be shown on the plat as 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 BMCC 23-303(H)(2)(c)]

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 Lot 4, 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 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, February 25, 2013.

Thomas W. Hanel, Mayor