

**FINDINGS OF FACT – Zimmerman Trail Subdivision,
Amended Lot 11A, Block 1**

Staff has prepared the following Findings of Fact for Amended Lot 11A, Block 1, Zimmerman Trail 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 23-303(H), 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 is not used for agriculture, and has no irrigation facilities serving it. It is a vacant lot that has been slated for residential development since 1987. Overall, there is no anticipated effect on irrigation facilities or agriculture from this proposal.

2. Effect on local services

- a. **Utilities** – Individual water services for the proposed subdivision shall come from the existing private water main located in Zimmerman Place for both lots. Furthermore, there are existing fire hydrants, one along Zimmerman Place and one across Highway 3. Lot owners will be responsible for extension of water services at the time of lot development.

Sewer services are to be provided from an existing private sewer main located in Zimmerman Place for both lots. Lot owners will be responsible for extension of water services at the time of lot development.

Private utilities such as electric and gas are available to the lots upon development. To ensure the proper utility easements are provided, it is recommended that the developer consult with the utility companies and place the requested easements on the final plat (**Condition #1**).

- b. **Storm water** – Storm water management 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.
- 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** – Zimmerman Place, a private road paralleling the south side of Highway 3, provides access to the proposed lots. A shared driveway at its terminus along with the necessary easement is proposed to serve the two new lots as shown on the plat. No driveway access shall be allowed off of Highway 3, however an emergency access is proposed from Highway 3 to meet Fire Department needs for fire hydrant access and to mitigate the excessive length of dead-end road Zimmerman Place. Montana Department

of Transportation (MDT) will need to approve of this emergency access location and design prior to final plat approval (Hwy. 3 is a State Highway). If MDT does not approve of the proposed emergency access, a new fire hydrant will need to be installed on Zimmerman Place, as required by the fire department, prior to final plat approval (**Condition #2**). No other improvements are required at this time for private street, Zimmerman Place.

- e. **Emergency services** - The Billings Police and Fire Departments will respond to emergencies within the proposed subdivision. The nearest emergency service station is located at Grand Avenue and 54th St. West (Station #7). The subdivision is located within the ambulance service area of American Medical Response.

The two main concerns of emergency service providers are adequate access to the site and presence of a nearby water source for firefighting needs. The subject property is at the end of Zimmerman Place, a private deadend street, which is longer than the allowable 600 foot maximum for a deadend street. Additionally the closest functioning fire hydrant on Zimmerman Place is further than the maximum allowable 500 feet. Therefore, the developer has proposed to provide an emergency access road connecting the site to the adjacent Highway 3. This would provide a solution to both issues, as it would provide a second access for emergency service providers and a fire hydrant within 500 feet; there is a hydrant across Highway 3 at this location. Approval for the location and design of the emergency access road is required prior to final plat approval by MDT and City Engineering and Fire Departments (**Condition #2**).

- f. **Schools** –School children would attend Boulder Elementary, Will James Middle and Senior High School. Given there are only two additional homes proposed there will be a minimal effect on schools by this subdivision. School District #2 facilities manager, Lew Anderson, had no concerns with the proposal.
- g. **Parks and Recreation** - Parkland dedication requirements were met when the subdivision was originally platted in 1988.
- h. **Mail Delivery** - The United States Postal Service indicated that individual mailboxes will be allowed. 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. However the property is an area with a known deer, turkey, and other wildlife presence, and a note informing future land owners of this possibility is found in the 'Conditions that Run with the Land' section of the SIA.

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. A geotechnical survey will be required prior to construction on either lot to ensure appropriate foundation designs are installed based on the subsurface conditions. There are no obvious threats to public health, safety or welfare.

B. Was an Environmental Assessment required? [MCA 76-3-616 and BMCC 23-901]

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? [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 proposed long-range bike lane along Highway 3, and shows existing primitive trails along the rims, south the of property within adjacent City parkland. 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)]

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? [BMCC 23-408]

The property is served by a privately owned and maintained water and sewer system that is licensed by MDEQ, and by the City of Billings' solid waste services. The subdivision conforms to sanitary requirements.

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 Zimmerman Trail Planned Unit Development (PUD) zoning district and the division of this lot is permitted by the PUD agreement. 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 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. It is recommended that the developer work with NWE and MDU to show the needed easements on the final plat (**Condition #1**).

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 Zimmerman Place. The proposed shared driveway shall be within a private access easement shown on the plat and described in an easement document to be filed with the final plat.

CONCLUSIONS OF FINDING OF FACT

- The preliminary plat of Amended Lot 11A, Block 1, Zimmerman Trail 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, April 8, 2013.

Thomas W. Hanel, Mayor