

Findings of Fact
Winemiller Subdivision, Amended Lots 9 & 10

Staff is forwarding the recommended Findings of Fact for Winemiller Subdivision, Amended Lots 9 & 10 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, 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. There are currently two commercial uses on the subject lots and the owners are proposing to create two addition lots for infill development. The proposal may help alleviate development pressure on existing agricultural areas by creating additional lots on vacant areas already within the urban core. Overall, there is no anticipated negative effect on irrigation facilities or agriculture from this proposal.

2. Effect on local services

- a. **Utilities** – Water service for the proposed lots is provided by County Water District of Billings Heights (CWDBH). There are existing water services from the water main in Main Street for the existing businesses on Lots 9A and 10A. No changes are proposed to these services. The new lots are proposed to be served by an existing main within Winemiller Lane, which abuts the southeast corner of the property. An easement will be created with the plat allowing Lot 9B to cross Lot 10B with a new water service line. CWDBH is agreeable to the proposed arrangement, and notes that due to the size of the new proposed service lines and the commercial nature of the future development, hydraulic modelling will need to be completed by the developer prior to hook up to ensure capacity and compliance with design standards. Lot owners will be responsible for the hydraulic study and extension of individual water services at the time of lot development.

Sewer services are to be provided by the City of Billings. The existing sewer services to Lots 9A & 10A are from the sewer mains within the east and north property lines shown within easements on the face of the plat. A new reciprocal easement to be recorded with the final plat will protect those lines as they cross the new proposed Lots 9B & 10B. Sewer service to Lots 9B & 10B will be provided by connecting to the existing mains within the east property line. Lot owners will be responsible for connecting to the 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** –All drainage improvements shall comply with the provisions of the 2011 City of Billings Storm Water Management Manual. The subdivision currently directs its storm water to one storm drain inlet shared by the existing commercial operations. The Subdivision Improvements Agreement indicates that new development will require a separate storm drain study and no new connections to the City’s storm drain system will be allowed. On-site retention will therefore be reviewed at the time of future site development.
- 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 property currently uses two access points from Main Street. One access point is near the common lot line of the two subject lots and a 25-foot wide shared access easement is in place to provide for a shared driveway. The second access is a shared access with the adjacent property to the north. There is an existing 30-foot wide shared access easement for that driveway, and an additional 25-foot access easement to provide a connection between the two driveways. In order to ensure that all four new lots have legal rights to these two access points, a new reciprocal access easement will be recorded with the final plat documents. Even though the subject property has a small amount of frontage on Winemiller Lane at its east property line, Winemiller Lane is a gravel city road serving the residential neighborhood adjacent. Therefore, no access will be permitted onto Winemiller Lane for this subdivision. A one-foot no-access strip is shown on the plat indicating such.
- 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 1601 St. Andrews Drive (Station #6), the only station in the Billings Heights. The subdivision is located within the ambulance service area of American Medical Response.

The subdivider is installing water line extensions with hydrants to provide fire suppression for the subdivision.

- f. **Schools** –This commercial subdivision should have a minimal effect on schools.
- g. **Parks and Recreation** - Parkland dedication is not required for this subdivision, as it is a commercial subdivision.
- h. **Mail Delivery** - The United States Postal Service requires that a Central Box Unit will be installed for new on-site delivery. If on-site delivery is requested, the location of the Central Box Unit 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. Storm water shall be managed in compliance with an approved plan and the property is outside of the flood plain. New development proposals will need to prepare and submit a project-specific 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 subject property is within a highly commercialized urban setting.

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 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 2006 Billings Heights Neighborhood Plan, the Urban Area Transportation Plan, 2009 Update, and the Billings Area Bikeway and Trails Master 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:** New developments that are sensitive to and compatible with the character of adjacent city neighborhoods and County townsites (p.6).
- c. **Goal:** Contiguous development focused in and around existing population centers separated by open space (p. 6).
- d. **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 covers this area. No new improvements will be required with this subdivision to meet the Trail Plan recommendations.

4. The Billings Heights Neighborhood Plan

This proposed subdivision is in compliance with several of the goals and objectives of the Heights Neighborhood Plan including:

Goal: To revitalize Main Street to increase and retain the commercial core of the Heights. Encourage improvements such as access redesign, signage, and landscaping to functionally and aesthetically improve Main Street. Incorporate safe pedestrian walkways along Main Street.

Goal: To provide housing and commercial development compatible with existing development. To meet residents preferred vision of the Heights.

Goal: Increase business opportunities for the Heights as future bypass connections are constructed. Encourage high quality development guidelines to ensure organized growth and development of businesses.

Goal: To provide aesthetically appealing business and streetscape development in the Heights.

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 proposed subdivision conform to all requirements of the zoning in effect? [BMCC 23-303(H)(2)(e)]

The subject property is located in Highway Commercial zoning. All development shall comply with the standards set forth in Section 27-308, BMCC. Final zoning compliance will be determined at the time of the building permit.

F. 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)]

The plat provides easements for utilities throughout the proposed subdivision. It is recommended that the developer work with NWE and MDU to show the needed easements on the final plat (**Condition #1**).

G. 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 two existing drive approaches from Main Street. Existing reciprocal access agreements are in place and a new easement document expanding access to the new lots will be filed with the final plat.

CONCLUSIONS OF FINDING OF FACT

- The preliminary plat of Winemiller Subdivision, Amended Lots 9 & 10, 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 the 2006 Billings Heights Neighborhood Plan, 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, May 12, 2014.

Thomas W. Hanel, Mayor