

Findings of Fact
Amended Lot 9-A, Block 9, Circle Fifty Subdivision

Staff is forwarding the recommended Findings of Fact for Amended Lot 9-A, Block 9, Circle Fifty 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, 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 within an urbanized residential development. It has not been used for agricultural purposes for many years and has no irrigation facilities serving it. Development of this vacant property within an existing urbanized area may help prevent further development of nearby agricultural lands.

2. Effect on local services

- a. **Utilities** – Water service for the proposed lots will be from the existing water main in Avenue C. One service exists for Lot 9B-1, and one additional service will be installed for Lot 9A-1. Lot owners will be responsible for connection to these services at the time of lot development.

Sewer services for the proposed lots will also be provided from the existing sewer main in Avenue B. One service exists for Lot 9B-1, and one additional service will be installed for Lot 9A-1. Lot owners will be responsible for final connection to the services at the time of lot development.

Private utilities such as electric and gas are available to the lots upon development. An existing utility easement was provided on the previous plats adjacent to this property. Additional easements may be requested on this property according to comments received by Northwestern Energy. Therefore it is recommended as a condition of approval that the subdivider provide utility easements on the final plat as requested by the private utility companies (**Condition #1**).

- b. **Storm water** –All drainage improvements shall comply with the provisions of the City of Billings Storm Water Management Manual and Chapter 28, BMCC. Storm water will be contained on-site in accordance with a storm water management plan to be reviewed and approved at the time of lot development. No new connections to City’s storm drain system will be allowed for this subdivision.
- c. **Solid waste** - The City of Billings will provide solid waste collection and disposal. Dumpster location and design will be evaluated at the time of individual site development. The City’s landfill has adequate capacity for this waste.

- d. **Streets** – The subject property has frontage on Avenue C and currently has one curb cut for a drive approach centered on the southern property line. Individual drive approaches are likely to be requested for the new lots. The new approach proposal will be evaluated and approved by City Engineering 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 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.

There are existing fire hydrants to provide fire suppression for the subdivision.

- f. **Schools** –This two-lot subdivision should have a minimal effect on schools. Children living on the property will go to Burlington Elementary, Will James Middle, and West High schools.
- g. **Parks and Recreation** - Parkland dedication is not required for this subdivision, as it is a subdivision creating one additional lot and parkland requirements were met with the original subdivision.
- h. **Mail Delivery** - The United States Postal Service has requested a Central Box Unit (CBU). At the time of lot development and establishment of mail delivery, the location of the CBU 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 and the property is nearby a very busy commercial development node.

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 2014 Billings Area Long Range Transportation Plan, 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. 2014 Billings Urban Area Long Range Transportation Plan

The proposed subdivision adheres to the goals and objectives of the 2014 Transportation Plan 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 does not identify any bike facilities along the Avenue B frontage of this property. The property is four blocks from Shiloh Road which has an existing multi-use path.

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 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 the Residential-7000 zoning district. All development shall comply with the standards set forth in Section 27-1001, BMCC. Final zoning compliance will be determined at the time of the building permits for each lot.

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 shows existing easements adjacent to the north of the property for natural gas utility services. Additional easements may be needed as requested by Northwestern Energy. It is recommended as a condition of approval that the subdivider provide utility easements on the final plat as requested by the private utility companies (**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 Avenue C.

CONCLUSIONS OF FINDING OF FACT

- The preliminary plat of Lot 9-A, Block 9, Circle Fifty 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 2014 Long-Range Transportation Plan 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, October 27, 2014.

Thomas W. Hanel, Mayor