

Findings of Fact
Amended Lot 2, Block 1, Westward Ho Subdivision

Staff is forwarding the recommended Findings of Fact for Amended Lot 2, Block 1, Westward Ho 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 not used for agriculture. It is currently an undeveloped property with an existing church building on the western portion of the property. There are no irrigation facilities on the site. It is anticipated that there will be no effect on agriculture or water user facilities.

2. Effect on local services

- a. **Utilities** – The subdivision is currently served by a public water main located in South 32nd Street West and Monad Road. Lot 2A has an existing 1-inch water service from a 24 inch main in South 32nd Street West. A new 6 inch water main for fire suppression is proposed from the existing 8 inch main in Monad Road. Lot 2D will have a 4 inch domestic water service from an 8 inch line located in Monad Road.
- b. **Sewer** – This parcel is not currently served by a sanitary sewer. There is an existing 42 inch trunk sewer in South 32nd Street West. The church is currently served by an existing septic system on the parcel. The subdivider is proposing to install a new 8 inch sewer main from the man hole at the intersection of Monad Road and South 30th Street West to serve the proposed subdivision.

Lot 2A will receive a new 6 inch sanitary sewer service from the proposed main in the Monad Road right-of-way. At a future time should the church expand or if the existing septic system fails then the church would connect to the new 6 inch sanitary sewer line. Lot 2B will use the proposed new 8 inch sanitary sewer service proposed in Monad Road.

Private utilities such as electric, gas and cable currently exist to the subdivision. The subdivider will provide the appropriate easement for the utilities to expand into the proposed development.

Storm water – All drainage improvements shall comply with the provisions of the *Stormwater Management Manual* and Chapter 28, BMCC, and shall be in accordance with any recommendations of an approved storm drain study to be

submitted to the Engineering Division at the time of site development. A new 6 inch storm water service will be extended to Lot 2B to handle storm water with future development. In the SIA under the Storm Drainage Heading the applicant needs to include language that lets future developers know there is a Stormwater Pollution Prevention Plan (SWPPP) in place and they are required to use Best Management Practices (BMP). **(Condition #1)**

- c. **Solid waste** - The City of Billings will provide solid waste collection and disposal. The City's landfill has adequate capacity for this waste.

Streets – The subdivision fronts the existing South 32nd Street West and also Monad Road. South 32nd has an existing 120-foot wide right-of-way dedication and has a paved surface width of 52 feet. Monad Road has an existing 130-foot wide right-of-way dedication and is constructed with a 63 foot wide pave surface.

At the time of development of proposed Lot 2B the developer will be required to inspect the existing sidewalks, curb and gutter and replace any damaged areas. The SIA must read that any cracked or sunken curb and gutter or sidewalk must be removed and replaced by the developer. **(Condition #2)**

There are currently three accesses to this property, two from South 32nd Street West and one from Monad Road. An additional access will be provided off of Monad Road to serve the proposed development on Lot 2B. A 1-foot no access strip will be placed along South 32nd Street West and Monad Road with the exception of the three existing accesses and the one new proposed access.

- d. **Emergency services** - The Billings Police and Fire Departments will respond to emergencies within the proposed subdivision. The nearest emergency service station is located at 605 South 24th Street West (Station #5). The subdivision is located within the ambulance service area of American Medical Response.
- e. **Schools** –This proposed subdivision is in School District #2 and would be served by Big Sky Elementary, Riverside Middle School and West High School. At the writing of this staff report there was no response from the schools concerning this application.
- f. **Parks and Recreation** - Parkland dedication is not required for this subdivision, as they are only creating one additional lot.
- g. **Mail Delivery** - The United States Postal Service will provide postal service to the subdivision. Any special requirements will have to be submitted and approved by the Postal Service.

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. There is a paragraph in the SIA under Conditions that Run with the Land that lets property owners know that they are near wildlife habitat and there may be damage to their outdoor plants.

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 any 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:** Contiguous development focused in and around existing population centers separated by open space (p. 6).

2. 2014 Billings Urban Area Transportation Plan

The proposed subdivision adheres to the goals and objectives of the 2014 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 does identify a bike lane on Monad Road. No other bike trail is identified in this area or on this subdivision.

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 two zoning districts. The west half is zoned Public and the east half is zoned Residential 6,000 (R-60). Lot 2B where the housing is proposed to be developed is in the R-60 zoning area. This site will be required to go through the Master Site Plan review process for multiple buildings on a single lot. At that time it will be determined if they meet all the requirements of zoning.

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 needed utilities throughout the proposed subdivision. Those easements will be provided for NWE, MDU, city water, sewer and storm water systems.

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)]

There are currently three accesses to this property, two from South 32nd Street West and one from Monad Road. An additional access will be provided off of Monad Road to serve the proposed development on Lot 2B.

CONCLUSIONS OF FINDING OF FACT

- The preliminary plat of Amended Lot 2, Block 1, Westward Ho 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 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, August 24, 2015.

Thomas W. Hanel, Mayor