

FINDINGS OF FACT

The City/County Planning staff has prepared the Findings of Fact for Amended Lots 1 and 4, Block 1, Bottrell Subdivision. These findings are based on the preliminary plat application and address the review criteria required by the Montana Subdivision and Platting Act (76-3-608, MCA) and the Yellowstone County Subdivision Regulations (YCSR).

A. What are the effects on agriculture, local services, the natural environment, wildlife, wildlife habitat, and public health and safety (76-3-608(3)(a), MCA) (Section 3.2(H)(2), YCSR)

1. Effect on agriculture and agricultural water users' facilities

The subject property is not currently used for agricultural purposes and does not have water rights. The subdivision is in an area that is developed with a mix of other uses and should not affect agriculture or agricultural water users' facilities.

2. Effect on local services

- a. **Water and Sewer** – These properties do not have water service to them. They will be required to have individual on-site wells. The location of the individual wells must be reviewed and approved by Montana Department of Environmental Quality (MDEQ) before installation. There is also no public sewer to the properties. Individual septic systems will be used for each of the lots. The location of septic systems will be reviewed and approved by the MDEQ. These systems will be constructed as approved by the MDEQ and as shown on the approved plans.

- b. **Streets and roads** – The proposed subdivision is located on the north side of Trade Center Avenue and east of Shackelford Lane. Trade Center Avenue is a local County paved road within a 80-foot public right-of-way. No additional right-of-way, changes or improvements to the street are anticipated with this subdivision.

Lots 1A and 1B will share an access on to Trade Center Avenue. Lots 4A, 4B, and 4C will have individual accesses on to Trade Center Avenue. The new accesses will be required to obtain approach permits from County Public Works.

- c. **Fire and Police Services** – The property is within the Billings Urban Fire Service Area's jurisdiction and the Billings Fire Department will provide fire service. It is the subdivider's responsibility to ensure provisions of a water source and adequate access to the proposed lots for emergency service's needs. This subdivision will be required to provide a dry hydrant system. The applicant will be installing a 30,000 gallon dry hydrant system in the south west corner of Lot 4A in a public easement and will provide easement documents with the final plat (**Condition #2**). The applicant will submit drawings to the City of Billings Fire Department for approval before installing the dry hydrant system and have the

system checked and approved by the City of Billings Fire Department before final plat approval (**Condition #1**). The applicant will be required to create a RSID-M for the maintenance of the dry hydrant system (**Condition #3**).

The Yellowstone County Sheriff's Department will provide law enforcement services.

- d. **Solid Waste disposal** – The Billings Landfill has capacity for solid waste disposal. Solid waste will be collected and disposed of by a private garbage collection company. Each lot owner will be responsible for arranging for collection.
- e. **Storm water drainage** – All storm water drainage shall satisfy storm water management requirements and specifications of MDEQ. The water is proposed to be absorbed on-site in the ditches along the paved road within the public right-of-way.
- f. **School facilities** – This is a commercial development with no proposal to have residential uses on them. They will have minimal impact on local schools.
- g. **Parks and recreation** – This proposed five-lot subsequent minor subdivision is not required to provide parkland dedication, as it is a commercial subdivision (76-3-621, MCA).
- h. **Historic features** – No known historical or cultural assets exist on the site.

3. Effects on the natural environment

The development will use noxious weed control measures to prevent the spread of noxious weeds to adjacent developed or agricultural land. A weed management plan will be completed and a property inspection done prior to final plat approval (**Condition #3**).

There are no apparent or known natural hazards on the property.

4. Effects on wildlife and wildlife habitat

There are no known endangered or threatened species on the property. Montana Fish, Wildlife, and Parks (FWP) responded to a request for review and comment on the proposed subdivision. It is suggested that future property owners should be made aware that unless they take steps to deter animals such as fencing their yards they may experience damage problems. A note to this effect is found within the SIA to help inform future landowners.

5. Effects on public health and safety

Plans and designs for use of the proposed individual septic systems will be reviewed and approved by MDEQ. Fire and emergency services are provided for this proposed subdivision. There should be minimal effects on public health and safety as a result of this subdivision.

B. Was an environmental assessment required? If yes, what, if any, significant adverse impacts were identified? (76-3-616, MCA) (Chapter 9, YCSR)

An environmental assessment was not required for this subdivision because it is in a zoned part of Yellowstone County.

C. Does the subdivision conform to the Yellowstone County-City of Billings 2008 Growth Policy Update, the 2014 Billings Urban Area Long Range Transportation Plan, and the Billings Area Bikeway and Trail Master Plan? (Section 3.2 (H)(4), YCSR)

1. Yellowstone County – City of Billings 2008 Growth Policy Update

- **Goal: Predictable land use decisions that are consistent with neighborhood character and land use patterns. (p. 6)**

This subdivision will create 5 lots for commercial development, consistent with the immediately surrounding neighborhood.

- **Goal: New developments that are sensitive and compatible with the character of adjacent County townsites. (p. 6)**

There are similarly sized lots directly adjacent to the subject property.

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

The proposed subdivision will increase the development density on the subject property therefore concentrating development and potentially preserving the agricultural land and open space in the surrounding area.

- **Goal: More housing and business choices within each neighborhood. (p. 6)**

The proposed subdivision will create 5 developable lots in this area for commercial development.

2. 2014 Billings Urban Area Long Range Transportation Plan

The subject property is on the south west boundary of the study area of the Transportation Plan. The subject property has frontage on Trade Center Avenue which is not identified on the Functional Class Map. It is a local road associated with the subdivision. No additional right-of-way is needed this plat.

3. Billings Area Bikeway and Trail Master Plan (BABTMP)

The subject property is on the south west boundary of the study area of the BABTMP. The Plan does not identify any bikeway in the area of this proposed subdivision. However, the **Zoo Montana to Riverfront Park Trail Feasibility Study** completed in 2014 identifies Trade Center Avenue as having a high potential for a 10 foot wide trail within its 80-foot-wide public right-of-way. A trail in this area is vital to providing access east/west between the Zoo and Riverfront Park and

existing public right-of-way that is more than adequate in width means that construction of a trail would result in little or no impact to private property. Since this is a commercial subdivision, park land dedication or cash in lieu is not required. Further, Trade Center Avenue is already constructed in this area and no additional construction is anticipated with this development. Given these factors, no trail improvements may be required and no improvements are proposed by the developer with this plat.

D. Does the subdivision conform to the Montana Subdivision and Platting Act and to local subdivision regulations? [76-3-608(3)(b), MCA and Section 3.2(3)(a), YCSR]

The proposed subdivision meets the requirements of the MSPA and the YCSR. The subdivider and the local government have complied with the subdivision review and approval procedures that are set forth by local and state subdivision regulations.

E. Does the subdivision conform to sanitary requirements? [Section 4.8(C) and 4.9 (C), YCSR]

The subdivider will need to receive approval from MDEQ for the use of septic systems and water systems on this subdivision as stated in the SIA and required by YCSR.

F. Does the proposed subdivision meet any applicable Zoning Requirements? [Section 3.2(H)(3)(e), YCSR]

The subdivision is in the County's zoning jurisdiction and is zoned Controlled Industrial (CI). The proposed lots sizes are in compliance with zoning, County Subdivision Regulations, and MDEQ. There is a paragraph within Section II. of the SIA notifying future property owners that a Zoning Compliance Permit is required prior to any construction on the lots.

G. Does the subdivision provide for necessary planned utilities? [76-3-608(3)(c), MCA and Section 3.2 (H)(3)(b), YCSR]

Utility easements shall appear on the face of the final plat as requested by Northwestern Energy and MDU. There are existing utilities along the Trade Center Avenue frontage, no other easements for private utilities are anticipated with this subdivision.

H. Does the proposed subdivision provide for legal and physical access to all lots? [76-3-608 (3)(d), MCA and Section 3.2 (H)(3)(c)(d), YCSR]

Legal and physical access will be provided for the proposed lots from Trade Center Avenue.

CONCLUSIONS OF FINDINGS OF FACT

- Amended Lots 1 and 4, Block 1, Bottrell Subdivision does not create adverse impacts that warrant denial of the subdivision.
- Impacts to agriculture, agriculture water user facilities, local services, public health and safety, the natural environment, and wildlife should be minimal. Impacts identified can be mitigated by reasonable conditions of final plat approval.
- The subdivision conforms to some of the goals of the 2008 Growth Policy.
- The applicant has complied with the MSPA and YCSR processes and the subdivision conforms to the law requirements.

RECOMMENDATION

Staff recommends that the Planning Board recommend to the Board of County Commissioners conditional approval of the preliminary plat of Amended Lots 1 and 4, Block 1, Bottrell Subdivision and adoption of the Findings of Fact as presented in the staff report.

ATTACHMENTS

A: Aerial and Zoning Map

B: Preliminary Plat and Associated Documents