

**Findings of Fact**  
**23rd Street Subdivision**

Staff is forwarding the recommended Findings of Fact for 23rd Street Subdivision, Amended Plat of the North 100' of Lot 1, Block 8 of Sunnyside Subdivision, Second Filing 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 is currently one multi-family dwelling on the subject lot and the owners are proposing to create one additional lot 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** – The subdivision is currently served by a public water main located in North 23<sup>rd</sup> Street. There will be no additional work needed at this time on the water line. Any future connections to the water line will be the lot owners' responsibility at the time of lot development. An easement is being created with this subdivision to ensure the lots can maintain the lines that already exist and for any future repairs or replacement. The development of Lot 1A will require installation of a new water service.
- b. **Sewer** - The existing sewer services are from the sewer mains in 11<sup>th</sup> Ave North. Development of Lot 1A will require installation of a new sanitary sewer service. No improvement to the existing sewer main is proposed at this time. 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 #2**).

- c. **Storm water** –All drainage improvements shall comply with the provisions of the current City of Billings Storm Water Management Manual and the standard language regarding provision of a Storm Water Pollution Prevention Plan must be added to the SIA under the Storm Water Drainage section (**Condition #1**).
- d. **Solid waste** - The City of Billings will provide solid waste collection and disposal. The City's landfill has adequate capacity for this waste.

- e. **Streets** – The property currently has an existing access on North 23<sup>rd</sup> Street. Any additional approaches or modifications to the existing approaches will require approval at time of lot development through the site review and Building Permit process. Approaches shall meet the requirements of the City of Billings site development ordinance.
- f. **Emergency services** - The Billings Police and Fire Departments will respond to emergencies within the proposed subdivision. The nearest emergency service station is located at 2305 8<sup>th</sup> Avenue North (Station #1), less than a mile from the subject property. The subdivision is located within the ambulance service area of American Medical Response.
- g. **Schools** –This residential subdivision should have a minimal effect on schools since only one additional lot is being created.
- h. **Parks and Recreation** - Parkland dedication is not required for this subdivision.
- i. **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. Any new development proposals in the future 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.

### **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 North Park 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. 2014 Billings Urban Area 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 covers this area. No new improvements will be required with this subdivision to meet the Trail Plan recommendations.

## **4. The North Park Neighborhood Plan**

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

- a) **Goal:** Maintain the residential character of the North Park Neighborhood.
- b) **Goal:** Maintain residential parking in the North Park Neighborhood. To preserve neighborhood character and residential parking as new or redevelopment occurs in the neighborhood.
- c) **Goal:** Guide land use decisions within the neighborhood that are consistent with the neighborhood plan and the preferred land use map.
- d) **Goal:** Affordable housing development.
- e) **Goal:** Maintain existing housing. To preserve the existing housing stock and maintain an aesthetic neighborhood.

## **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 the Residential Multi Family-Restricted zoning district. All development shall comply with the standards set forth in Section 27-308, BMCC. Additionally, the City Board of Adjustment (BOA) at its April 6, 2016 meeting voted 4-2 to conditionally approve a variance request to allow the existing four-plex on a 7,000 square foot lot (proposed lot 1B). This approval does not include a variance for allowing a new four-plex on the proposed lot 1A. One duplex or two single family dwellings may be constructed on the proposed lot 1A. 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. It is recommended that the developer work with NWE and MDU to show the needed easements on the final plat.

**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 an existing access on North 23<sup>rd</sup> Street, with an additional access proposed from 11<sup>th</sup> Ave. N (noted on plat). Any additional approaches or modifications to the existing approach shall meet the requirements of the City of Billings site development ordinance.

**CONCLUSIONS OF FINDING OF FACT**

- The preliminary plat for 23rd Street Subdivision, Amended Plat of the North 100' of Lot 1, Block 8 of Sunnyside Subdivision, Second Filing, 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 North Park Neighborhood Plan, and does not conflict with the 2014 Transportation Plan or the Bikeway and Trail Master 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 9, 2016

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Thomas W. Hanel, Mayor