

Findings of Fact  
Sweet Subdivision

Staff is forwarding the recommended Findings of Fact for Lot 2 Amended, Sweet Subdivision, 2nd 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. The property is currently a vacant parcel of land. The proposal may help alleviate development pressure on existing agricultural areas by creating additional lots on vacant areas already within the urban area. 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 Grand Avenue. There will be no additional work needed at this time on the water line. Any future work 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 what already exists and for any future repairs or replacement. The development of the lots will require installation of a new water services.
- b. **Sewer** - The existing sewer services are from the sewer mains in North 24<sup>th</sup> Street West. Development of the lots 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. To ensure compliance with State required construction practices and City storm water management requirements during construction, the subdivider shall add the standard language regarding a Stormwater Pollution Prevention Plan (SWPPP) in the SIA under the Storm 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 Grand Avenue. The access to proposed lot 2A has been granted with an existing access easement through Lot 1B. Any additional approaches or modifications to the existing approaches will require approval. 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 1928 17<sup>th</sup> Street (Station #3). The subdivision is located within the ambulance service area of American Medical Response.
- g. **Schools** –This commercial subdivision should have a minimal effect on schools since only one additional lot is being created and commercial development is expected.
- h. **Parks and Recreation** - Parkland dedication is not required for this minor 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 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 and a bike lane is identified to be constructed on Grand Avenue in the area of this subdivision. There are no plans to make improvements to Grand Avenue at this time and no new improvements will be required with this subdivision to meet the Trail Plan recommendations.

#### **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 Community Commercial zoning district. 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. It is recommended that the developer work with NWE and MDU to show the needed easements on the final plat (**Condition #2**).

#### **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 Grand Avenue, with an additional access proposed from Grand Ave through Lot 1B by access easement #3535770 (noted on plat). Any additional approaches or modifications to the existing approaches shall meet the requirements of the City of Billings site development ordinance.

#### **CONCLUSIONS OF FINDING OF FACT**

- The preliminary plat for Lot 2, Amended, Sweet Subdivision, 2nd 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 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 23, 2016

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Thomas W. Hanel, Mayor