

FINDINGS OF FACT

The Planning staff has prepared the Findings of Fact for the preliminary plat of Pemberton Subdivision, Amended Lot 22A. 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 agriculture irrigation facilities serving it. There are currently two duplex dwelling units on the subject lot to the west and the owners are proposing to create two additional lots 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 agricultural irrigation facilities or agriculture from this proposal.

2. Effect on local services

- a. **Utilities** – Water service for the proposed lots is provided by the County Water District of Billings Heights (CWDBH). There is existing water service from a water main in North Lakeview Drive that currently serves the duplexes on proposed lot 22A-1. The water line will be extended to lots 22A-2 and 22A-3 within North Lakeview Drive.

Sewer services are to be provided by the City of Billings. The **SIA VI Utilities B** states that the sewer services for Lots 22A-2 and 22A-3 will tie into the existing sewer service line from Lot 22A-1 that runs along the north edge of the property. This is not an approved option. The sanitary sewer services for Lots 22A-2 and 22A-3 shall tie into the public sanitary sewer main located in an easement near the east side of this property. Each lot shall have its own separate and independent sewer service tying into the public main. This will also require there to be a sewer service easement through Lots 22A-2 and 22A-3 in which the sewer service for Lots 22A-1 and 22A-2 will pass. Each lot is required to have its own separate sewer line connecting to the main line. The applicant will change the language in the SIA to reflect this requirement. **(Conditions #1 and #2)**

The existing sewer service for lot 22A-1 runs along the northern edge of the existing lot. There will be an easement created to accommodate that existing sewer line. **(Condition #1)**

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)**

- b. **Storm water** –All drainage improvements shall comply with the provisions of the current City of Billings Storm Water Management Manual and receive approval from the City of Billings Engineering department prior to any construction on lots created by this subdivision.
- c. **Solid waste** - The City of Billings will provide solid waste collection and disposal. The City’s landfill has adequate capacity for this waste.
- d. **Streets** – The property currently has two existing accesses onto North Lakeview Drive, one for each of the two duplexes. North Lakeview Drive is a gravel road within an existing 30-foot-wide easement. This proposed subdivision is required to contribute right of way to the city for North Lakeview Drive which would be 30 feet. When this property started developing it was done as a condominium development, there was no requirement for additional road width with the condominium use. If the subdivider were required to dedicate the 30-foot half road width, the two existing duplexes built on the land would have the road right of way passing through the front corner of the units. The applicant has applied for a variance and is proposing to dedicate 10 feet for additional right of way and also a 5-foot sidewalk easement (**Condition #3**). See Attachment A for further discussion of the variance request.
- e. **Emergency services** - The Billings Police and Fire Departments will respond to emergencies within the proposed subdivision. The nearest Fire Station is located at 1601 St. Andrews Drive (Station #6). The subdivision is located within the ambulance service area of American Medical Response.
- f. **Schools** –This residential subdivision should have a minimal effect on schools since only two new lots are being created. Staff did receive a response from School District #2 about the proposed subdivision. District #2 stated that Beartooth Elementary has a maximum capacity of 440 with a current enrollment of 509. Castle Rock Middle School has a maximum capacity of 715 with a current enrollment of 742. Skyview High School has a maximum capacity of 1,684 with a current enrollment of 1,578.
- g. **Parks and Recreation** - Parkland dedication is not required for this subdivision as it is a minor subdivision that creates less than five lots.
- h. **Mail Delivery** - The United States Postal Service may require that a Central Box Unit be installed for new on-site delivery. However, the USPS will have to review the delivery method in this area.

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 on the property 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 2006 Billings Heights Neighborhood Plan, the 2014 Billings Urban 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 covers this area. No new improvements will be required with this subdivision to meet the Trail Plan recommendations. However, there is a short range bike lane proposed on Lake Elmo Drive to the west of this property.

4. The Billings Heights Neighborhood Plan

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

Goal: To provide safe, good quality and affordable housing in the Heights. Develop housing patterns that are compatible with existing neighborhoods. Encourage high density multi-family development along arterial routes. Maintain similar housing in established neighborhoods.

Goal: To provide housing and commercial development compatible with existing development. To meet residents preferred vision of the Heights.

Goal: Encourage infill housing.

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 Residential-6000 zoning. 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 throughout the proposed subdivision. 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 will be from North Lakeview Drive. Future lot owners will have to receive approval for access to the lots from the City of Billings Engineering department.

CONCLUSIONS OF FINDING OF FACT

- The preliminary plat for Pemberton Subdivision, Amended Lot 22A, 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 2006 Billings Heights 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, July 11, 2016

Thomas W. Hanel, Mayor