

Findings of Fact

Staff is forwarding the recommended Findings of Fact for Amended Lot 3, Block 1, Gabel Subdivision 4th 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 an established parcel of land. The proposal should not affect the surrounding parcels used for agricultural purposes. 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 Gabel Road adjacent to the subdivision and a water main exists in Hesper Road along the south frontage of the subdivision. Local operation and maintenance is covered by a reciprocal easement recorded with Gabel Road Subdivision, Second Filing. 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.
- b. **Sewer** - The existing sewer services are from the sewer mains in Gabel Road. No improvement to the existing sewer main is proposed at this time. The subdivision is served from a private main which extends from Gabel south to the subdivision. Location, operation and maintenance of this private main will be covered by the reciprocal easement provisions included in the Fourth Amendment of Covenants and Restrictions for the Gabel Subdivision, Second Filing.
- c. **Power, Telephone, Gas and Cable** - All power telephone, gas and cable television lines within the public right-of-way have been installed underground prior to street paving. Appropriate utility easements are provided across the subdivision for service to the development.
- d. **Storm water** – All drainage improvements have been previously reviewed, approved and constructed. The improvements comply with the provisions of the Stormwater Management Manual and Section 23-706. The internal drainage improvements are included in the Covenants and Restrictions for Gabel Subdivision, Second Filing (this includes this filing of the Gabel Subdivision)
- e. **Solid waste** - The City of Billings will provide solid waste collection and disposal. The City's landfill has adequate capacity for this waste.

- f. **Streets** – The property currently has an existing access on Gabel Road through an existing Reciprocal Access Easement. 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.
- g. **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 S 24th Street West (Station #5). The subdivision is located within the ambulance service area of American Medical Response.
- h. **Schools** –This commercial subdivision should have a minimal effect on schools since only one additional lot is being created and commercial development is already in place.
- i. **Parks and Recreation** - Parkland dedication is not required for this minor subdivision.
- j. **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. 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 analysis has been performed and submitted to the City. 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 Growth Policy Update, the Urban Area Transportation Plan Update, and the Billings Area Bikeway and Trails Master Plan? [BMCC 23-303(H)(3)]

1. City of Billings 2016 Growth Policy

The proposed subdivision is consistent with the following goals of the Growth Policy:

- a) **Goal:** ESSENTIAL INVESTMENTS – prioritize public and private investment in areas, policies, programs and projects that achieve the community vision as described in the Growth Policy Statement
- b) **Goal:** PLACE MAKERS – Enhance existing public places, create new ones, preserve natural and historic places, and maintain our agricultural landscape to define the community for its residents and improve the quality of life for everyone who lives or visits here.
- c) **Goal:** PROSPERITY – enable “a diverse, welcoming community where people prosper and business succeeds.”

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 as an Arterial Bike Route on Gabel Road in the area of this subdivision. There are no plans to make improvements to Gabel Road 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 Controlled Industrial zoning district. All development shall comply with the standards set forth in Section 27-308, BMCC. Zoning Compliance was reviewed with the building permits submitted and approved. Final Zoning Compliance has been verified with the preliminary review and will be confirmed with the final plat.

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. Utility easements have been provided with the Gabel Subdivision, Second Filing.

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 Gabel Road, with an existing reciprocal access easement to the parcels. 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 Amended Lot 3, Block 1, Gabel Subdivision, Fourth Filing, does not create any adverse impacts that warrant denial of the subdivision.
- The proposed subdivision conforms to several goals and policies of the 2016 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, December 12, 2016.

Thomas W. Hanel, Mayor