

Findings of Fact

The Planning staff has prepared the Findings of Fact for the preliminary plat of Bishop Fox Subdivision, Amended Lot 1, Block 1. 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 currently used for agriculture, and has no irrigation facilities serving it. Historically it was farm land but residential developments have surrounded the property and farm activity no longer takes place. Overall, there is no anticipated negative effect on irrigation facilities or agriculture from this proposal.

2. Effect on local services

- a. **Utilities** – Water service for this subdivision is proposed to be obtained from water lines in Grand Avenue and 54th Street West. The water line in Grand Avenue is 20 inches in size and the one in 54th Street West is 12 inches in size. The applicant is proposing to tap into the water lines for each lot and also for fire suppression needs. All new domestic water and fire services will be installed to meet the City of Billings specifications and standards. **(Condition #1)**

Sewer services are also available from Grand Avenue and 54th Street West. Grand Avenue has a 27-inch sanitary sewer main and 54th Street West has a 15-inch sanitary sewer main. Sanitary sewer stubs are proposed for each lot. Sanitary sewer lines are to be stubbed into each lot. When the individual lots develop that lot owner will be responsible for meeting all City of Billings requirements for connection and installation of sanitary sewer lines and any applicable fees at that time. **(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 provide appropriate easements.

- b. **Storm water** – Storm water drainage system is proposed to be conveyed to the collections system via surface flows on the street and parking lots. The system will consist of a network of catch basins, inlets and piping to convey storm water to subsurface detention facilities. All drainage improvements shall comply with the provisions of the current City of Billings Storm Water Management Manual. **(Condition #1)**
- 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 an existing access on 54th Street West and is proposing a second one. The existing access is a shared access with the existing fire station. They are also proposing an access off of Grand Avenue directly across from the entrance into Vintage Estates. Any new access to the proposed subdivision would be reviewed and need to be approved by the City of Billings Engineering division. The applicant will be required to make contributions to Grand Avenue and 54th Street West street improvement that are identified in the Traffic Impact Study. All street improvement will be required to meet the City of Billings Engineering requirements in place at the time of construction. **(Condition #2)**
- e. **Sidewalks** – Subdivision regulations require boulevard sidewalks to be installed with all new developments. With the proposed subdivision they will be required to install sidewalks with the development of the lots. They will also be required to build sidewalks to connect with the existing developments around them where connections have been provided for pedestrian / bicycle connectivity. **(Condition #3)**
- f. **Traffic Control** – With the development of the subdivision the applicant will be required to install and maintain traffic control devices to facilitate better traffic flow into and out of the proposed development. With the submitted TIS intersections were identified that would be impacted by this proposed development. With that information the applicant will be required to make cash contributions to the affected intersections toward their improvement for better traffic flow. Language in the SIA needs to be added and modified to address these identified intersections and the required contribution. **(Condition #4)**
- g. **Emergency services** - The Billings Police and Fire Departments will respond to emergencies within the proposed subdivision. The nearest Fire Station is located at 1501 54th Street West (Station #7) directly adjacent to the subject property. The subdivision is located within the ambulance service area of American Medical Response. The applicant will be required to meet all the standards required by the City of Billings Fire Department for installation of fire apparatus within the subdivision. **(Condition #5)**
- h. **Schools** –This subdivision should have a minimal effect on schools as it is a commercial development and will not add any housing to the area.
- i. **Parks and Recreation** - Parkland dedication is not required for this subdivision pursuant Section 23-1008, A. A minor Subdivision and C. Subdivision into parcels that are all nonresidential.
- j. **Mail Delivery** - The United States Postal Service in response to request for comments about this proposed subdivision has asked that there be a centralized delivery located just off of Grand Avenue for the entire subdivision with parking access for the carrier in front of the boxes. **(Condition #6)**

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 Urban Area Transportation Plan, 2009 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. **Essential Investments (relating public and private expenditures to public values):** Infill development and development near existing City infrastructure may be the most cost effective (p. 6). Neighborhoods that are safe and attractive and provide essential services are much desired (p.7).
- b. **Strong Neighborhoods (livable, safe, sociable and resilient neighborhoods):** Neighborhoods that are safe and attractive and provide essential services are much desired (p.8).
- c. **Mobility and Access (transportation choices in places where goods and services are accessible to all):** Planning and construction of interconnected sidewalks and trails are important to the economy and livability of Billings (p. 9).
- d. **Prosperity (promoting equal opportunity and economic advancement):** A diversity of available jobs can ensure a strong Billings' economy. Successful businesses that provide local jobs benefit the community. (p. 9).

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. There is a proposed on street long range trail on Grand Avenue and an on street short range trail identified on 54th Street West. No new improvements will be required with this subdivision to meet the Trail Plan recommendation.

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 Community Commercial zoning. All development shall comply with the standards set forth in Section 27-309, 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 private utility companies to provide the needed easements. **(Condition #7)**

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 is proposed to be from Grand Avenue and 54th Street West. Any additional approaches or modifications to the existing approach will require City of Billings Engineering approval.

CONCLUSIONS OF FINDING OF FACT

- The preliminary plat for Bishop Fox Subdivision, Amended Lot 1, Block 1, 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, January 23, 2017

Thomas W. Hanel, Mayor